



# भारत का राजपत्र

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this part in order that it may be filed as a separate compilation

### भाग II—खण्ड 3—उप-खण्ड (ii)

### PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)

केन्द्रीय प्राधिकारियों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएँ

Statutory orders and notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence) by Central Authorities  
(other than the Administration of Union Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 17 मार्च, 1973

आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरीक्षित घोषित करता हूँ।

[सं. महाराष्ट्र-वि.स./146/72(10)]

### ELECTION COMMISSION OF INDIA

### ORDER

New Delhi, the 17th March, 1973

क्र. आ. 1168.—यतः, निर्वाचन आयोग को समाधान हो गया है कि मार्च, 1972 को हुए महाराष्ट्र विधान सभा के लिए निर्वाचन के लिए 146-ब्रह्मपुरी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री ठाकरे रघुनाथ काशीराम, जुगनाला, पो. चुगन, तह. ब्रह्मपुरी, जिला चन्द्रपुर (महाराष्ट्र), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री ठाकरे रघुनाथ काशीराम को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस

S.O. 1168.—Whereas the Election Commission is satisfied that Shri Thakre Raghunath Kashiram, At Jugnala, Post Chugan, Tahsil Brahmapuri, District Chandrapur (Maharashtra), a contesting candidate for election held in March, 1972 to the Maharashtra Legislative Assembly from 146-Brahmapuri Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Thakre Raghunath Kashiram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MTLA/146/72(10)]

## आवृश

नई दिल्ली, 26 मार्च, 1973

का. आ. 1169.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए तमिलनाडु विधान सभा के लिए निर्वाचन के लिए 112-वेल्लाकोइल निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री के. कृष्णसामी गौंडर सुपुत्र श्री कृष्णन्ना गौंडर, मेलागुण्डेनपुदुर, परामियम, जिला कोयम्बटूर, तमिलनाडु, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण था न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री के. कृष्णसामी गौंडर को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवृश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है ।

[सं. तमिलनाडु-वि.स./112/71(44)]

## ORDER

New Delhi, the 26th March, 1973

S.O. 1169.—Whereas the Election Commission is satisfied that Shri K. Kuppusamy Gounder, S/o Shri Kuppanna Gounder, Melagoundenpudur, Peramiam, Coimbatore District, Tamil Nadu, a contesting candidate for election to the Tamil Nadu Legislative Assembly from 112-Vellakoil constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Kuppusamy Gounder to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN/LA/112/71(44)]

## आवृश

का. आ. 1170.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए तमिलनाडु विधान सभा के लिए निर्वाचन के लिए 112-वेल्लाकोइल निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एस. एम. रामास्वामी गौंडर सुपुत्र श्री मथुरवामी गौंडर, सनारपालयम, मुलानूर पो. आ., जिला कोयम्बटूर, तमिलनाडु, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण था न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एस. एम. रामास्वामी गौंडर को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवृश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है ।

[सं. तमिलनाडु-वि.स./112/71(45)]

## ORDER

S.O. 1170.—Whereas the Election Commission is satisfied that Shri S. M. Ramaswamy Gounder, S/o Shri Muthuswamy Gounder, Sanarpalayam, Mulanur P.O., Coimbatore District, Tamil Nadu, a contesting candidate for election to the Tamil Nadu Legislative Assembly from 112-Vellakoil constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for the failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri S. M. Ramaswamy Gounder to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN/LA/112/71(45)]

## आवृश

का. आ. 1171.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए तमिलनाडु विधान सभा के लिए निर्वाचन के लिए 113-कंगायाम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री के. जी. पालानीसामी गौंडर, कटचैरी स्ट्रीट, पो. आ. कंगायाम, जिला कोयम्बटूर, तमिलनाडु, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण था न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री के. जी. पालानीसामी गौंडर को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवृश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है ।

[सं. तमिलनाडु-वि.स./113/71(46)]

## ORDER

S.O. 1171.—Whereas the Election Commission is satisfied that Shri K. G. Palanisamy Gounder, Cutcheri Street, Kangayam Post, Coimbatore District, Tamil Nadu, a contesting candidate for election to the Tamil Nadu, Legislative Assembly from 113-Kungayam constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. G. Palanisamy Gounder to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN/LA/113/71(46)]

## आदेश

नई दिल्ली, 27 मार्च, 1973

क्र. आ. 1172.—यत्, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 को हुए उ. प्र. विधान सभा के लिए निर्वाचन के लिए 111-सरनी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्रीमती कमला देवी, पत्नी श्री बद्री विशाल, नई बाजार, लाल गंज, राय बरेली, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा सद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रही हैं ;

और, यत्, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्रीमती कमला देवी को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश को तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. उ. प्र. वि. स./111/72(उप)(1)]

## ORDER

New Delhi, the 27th March, 1973

S.O. 1172.—Whereas the Election Commission is satisfied that Shrimati Kamla Devi, W/o Shri Badri Vishal, Nai Bazar, Lal Ganj, Rai Bareilly, District Rai Bareilly, Uttar Pradesh, a contesting candidate for the election held in March, 1972, to the Uttar Pradesh Legislative Assembly from 111-Sareni constituency, has failed to lodge an account of her election expenses, as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that she has no good reason or justification for such failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shrimati Kamla Devi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/111/72(BYE)(1)]

## आदेश

नई दिल्ली, 28 मार्च, 1973

क्र. आ. 1173.—यत्, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए तमिलनाडु विधान सभा के लिए निर्वाचन के लिए 111-धारापुरम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री टी. मनोहरन सुपुत्र श्री ए. थांगाथुराई, वेल्लाकोईल, पो. आ. धारापुरम में तालुक, जिला कायम्बटूर, तमिलनाडु, लोक प्रतिनिधित्व अधिनियम, 1951 तथा सद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यत्, उक्त उम्मीदवार ने, उसे सम्यक सूचना विद्यमान पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री टी. मनोहरन को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. तमिलनाडु वि. स./111/71(47)]

## ORDER

New Delhi, the 28th March, 1973

S.O. 1173.—Whereas the Election Commission is satisfied that Shri T. Manoharan, S/o Shri A. Thangathurai Vellakoil and P.O. Dharapuram Taluk, Coimbatore District, Tamil Nadu, a contesting candidate for election to the Tamil Nadu Legislative Assembly from 111-Dharapuram constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri T. Manoharan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of the State for a period of three years from the date of this order.

[No. TN/LA/111/71(47)]

## आदेश

क्र. आ. 1174.—यत्, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए पंजाब विधान सभा के लिए साधारण निर्वाचन के लिए 5 अमोहर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले

उम्मीदवार श्री वृधाल सिंह, ग्राम व पो. आ. पट्टी साधिक, अबोहर, तहसील फाजिल्का, जिला फिरोजपुर (पंजाब), लोक प्रतिनिधित्व अधिनियम, 1961 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचनाएं दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री वृधाल सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. पंजाब-वि.स./5/72(7)]

#### ORDER

S.O. 1174.—Whereas the Election Commission is satisfied that Shri Dyal Singh, Village & P.O. Patti Sadik, Tehsil Fazilka, Abohar, District Ferozepur (Punjab), a contesting candidate for the general election to the Punjab Legislative Assembly from 5-Abohar constituency, held in March, 1972 has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notices has not given any reason or explanation for the failure; and the Election Commission is further satisfied that he has no good reason or justification for the failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dyal Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. PB-LA/5/72(7)]

#### आवेश

नई दिल्ली, 31 मार्च, 1973

क्र. आ. 1175.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए पंजाब विधान सभा के लिए साधारण निर्वाचन के लिए 30 फतेहगढ़ निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जल्ला, ग्राम व पो. आ. अकरपुरा, जिला गुरवांसपुर (पंजाब), लोक प्रतिनिधित्व अधिनियम, 1961 तथा तद्धीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जल्ला को संसद

के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. पंजाब-वि.स./30/72(8)]

ए. एन. सेन, सचिव

#### ORDER

New Delhi, the 31st March, 1973

S.O. 1175.—Whereas the Election Commission is satisfied that Shri Jalla, Village and Post Office Akarpura, District Gurdaspur (Punjab) a contesting candidate for the general election to the Punjab Legislative Assembly from 30-Fatehgarh constituency, held in March, 1972 has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notices has not given any reason or explanation for the failure; and the Election Commission is further satisfied that he has no good reason or justification for the failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Jalla to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. PB-LA/30/72(8)]

A. N. SEN, Secy.

#### वित्त मंत्रालय

#### (राजस्व और बीमा विभाग)

नई दिल्ली, 24 फरवरी, 1973

#### आप-कार

क्र. आ. 1176 आय-कर अधिनियम, 1961 (1961 का 43) की धारा 80छ की उपधारा (2) (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, निम्नलिखित दिगम्बर जैन मंदिरों को, उक्त धारा के प्रयोजनों के लिए ऐतिहासिक, पुरातत्वीय और कलात्मक महत्व का तथा ऐसे राज्य या राज्यों में, जिसमें वे स्थित हैं, सर्वत्र विख्यात लोक-पूजा के स्थानों के रूप में एतद्वारा अधिसूचित करती है ।

क्र. सं.	मंदिर का नाम	पता
1.	पार्ष्णनाथ पर्वत के निचले सिरे पर श्री सम्मेदा लिखरजी तीर्थ क्षेत्र दिगम्बर जैन मंदिर ।	भारत में बिहार राज्य के हजारीबाग जिले में पार्ष्णनाथ पर्वत ।
2.	श्री वसुपूज्य तीर्थकर के दिगम्बर मंदिर, चम्पापुरी ।	भारत में बिहार राज्य के भागलपुर जिले में चम्पापुरी ।
3.	श्री दिगम्बर जैन मंदिर, पावापुरी ।	भारत में बिहार राज्य के पटना जिले में पावापुरी ।
4.	भारत में गुजरात राज्य में खूनागढ़ के निकट गिरनार पर्वत पर श्री दिगम्बर जैन मंदिर ।	भारत में गुजरात राज्य में खूनागढ़ के निकट गिरनार पर्वत ।

1	2	3
5.	विद्यागिरि पर्वत, (डोबावेट्टा) (और अन्यथा इन्द्रगिरि पर्वत के रूप में भी अभिनामित) की चोटी पर श्री गोमातेश्वर स्वामी (अर्थात् श्री 1008 भूबाली भगवान) की विशाल प्राचीन दिगम्बर जैन स्मारकीय एकशिला पूज्य ग्राह्य मूर्ति (प्रतिरूप) और वहाँ अन्य दिगम्बर जैन मंदिर तथा भारत में मैसूर राज्य के हुमन जिले में श्रवणबेलगोला में चंद्रगिरि पर्वत के निकट अन्य दिगम्बर जैन प्राचीन मंदिरों का समूह।	भारत में मैसूर राज्य के हुमन जिले में श्रवणबेलगोला।
6.	भारत में महाराष्ट्र राज्य के अमरावती जिले में (या भारत में तत्कालीन मध्य प्रवेश राज्य के बैतुल जिले में) मुक्तागिरि पर प्राचीन दिगम्बर जैन मंदिर।	भारत में महाराष्ट्र राज्य के अमरावती जिले में (या भारत में तत्कालीन मध्य प्रदेश राज्य के बैतुल जिले में) मुक्तागिरि।

[सं. 301 (फा. सं. 176/49/71-आई. टी. (ए. आई.))]

**MINISTRY OF FINANCE**  
(Department of Revenue and Insurance)

New Delhi, the 24th February, 1973

**INCOME TAX**

**S. O. 1176.**—In exercise of the powers conferred by sub-section (2)(b) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the following Digamber Jain Temples to be of historic, archaeological and artistic importance and places of public worship of renown throughout the State or States in which they are situated for the purposes of the said Section.

Sl. No.	Name of the Temple	Address
1	2	3
1.	Shree Sammeda Shikharji Teerth Kshetra Digamber Jain Temples at footend on Parasvanath Hills	Parasvanath Hills in the Hazaribagh District of the State of Bihar in India.
2.	Digamber Jain Temples of Shree Vasupujya Teerthankar at Champapuri	Champapuri in the Bhagalpuri District of the State of Bihar in India.
3.	Shree Digamber Jain Temples at Pavapuri	Pavapuri in the District of the Patna of the State of Bihar in India.
4.	Shree Digamber Jain Temples at Girnar Hills near Junagadh in the State of Gujarat in India	Girnar Hills near Junagadh in the State of Gujarat in India.
5.	The colossal ancient Digamber Jain Monumental monolithic revered holy statue (Image) of Shree Gomateshwar Swami (i.e. Shree 1008 Bhubali Bhagwan) at the peak of the Vin-dhyagiri Hills, (Dodabetta) (and even otherwise styled at Indragiri Hills) and other Digamber Jain Temple therein and the number of other Digamber Jain ancient Temples at the nearby Chandragiri Hills at Shravanbelgola in the District of Hassan in the State of Mysore in India.	Shravanbelgola in the District of Hassan in the State of Mysore in India.

1	2	3
6.	The ancient Digamber Jain Temples at Muktagiri, in the Distt. of Amrawati, in the State of Maharashtra in India (or in the Distt. of Baitul in the then State of Madhya Pradesh in India).	Muktagiri in the Distt. of Amrawati in the State of Maharashtra in India (or in the Distt. of Baitul in the then State of Madhya Pradesh in India).

[No. 301 (F. No. 176/49/71-IT(AI))]

नई दिल्ली, 12 मार्च, 1973

**(आय-कर)**

**का. आ. 1177.**—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 80G की उपधारा (2)(ख) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, श्री प्रसन्ना वेङ्कटेश परमल मन्निवर, मद्रास, को उक्त धारा के प्रयोजनों के लिए ऐतिहासिक महत्व और तमिल नाडु राज्य में सर्वत्र विख्यात लोक पूजा के स्थान के रूप में अधिसूचित करती है।

[सं. 313 /फा. सं. 176/22/73-आय-कर (ए. आई.)]

बी. बी. श्रीनिवासन, अवर सचिव.

New Delhi, the 12th March, 1973

**INCOME-TAX**

**S.O. 1177.**—In exercise of the powers conferred by sub-section (2)(b) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Shri Prasanna Venkatesa Perumal Temple, Madras, to be of historic importance and to be a place of public worship of renown throughout the State of Tamil Nadu for the purposes of the said section.

[No. 313 (F. No. 176/22/73-IT(AI))]

V. B. SRINIVASAN, Under Secy

**आय-कर**

नई दिल्ली, 27 मार्च, 1973

**का. आ. 1178.**—सर्व-साधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि नीचे उल्लिखित संस्था को भारतीय चिकित्सा अनुसंधान परिषद् नई दिल्ली, विहित प्राधिकारी द्वारा, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (2) में प्रयोजनों के लिये अनुमोदित कर दिया गया है।

**संस्था**

एस. एम. एस. मेडिकल कॉलेज हॉस्पिटल, जयपुर।

[सं. 320 (फा. सं. 203/7/73-आय-कर अधिनियम-2)]

टी. पी. भट्टन, उप-सचिव

New Delhi, the 27th March, 1973

**INCOME TAX**

**S.O. 1178.**—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961.

**INSTITUTION**

S. M. S. Medical College Hospital, Jaipur.

[320 (F. No. 203/7/73-ITA. II)]

T. P. JHUNJHUNWALA, Deputy Secy.

नई दिल्ली, 17 मार्च, 1973

New Delhi, the 28th April, 1972

## (आय-कर)

का० आ० 1179.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 80 के उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार अधिसूचित करती है कि इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से इंजीनियरी की वृत्तिक सेवा उक्त उपधारा के प्रयोजनों के लिए वृत्तिक सेवा होगी।

[का० आ० सं० 310 (फा० सं० 167/34/70-आय-कर (ए०आई०))]

एच० ए० शाह, संयुक्त सचिव

New Delhi, the 17th March, 1973

## INCOME-TAX

S. O. 1179.—In exercise of the powers conferred by sub-section (1) of section 80E of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies that, with effect from the date of publication of this notification in the Official Gazette, the professional service of Engineering shall be a professional service for the purposes of the said sub-section.

[No. 310 (F. No. 167/34/70-IT(AI).]

H. A. SHAH, Joint Secy.

नई दिल्ली, 28 अप्रैल, 1972

## सीमा-शुल्क

का. आ. 1180.—सीमाशुल्क अधिनियम 1962 (1962 का 52) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, श्री एम. रामचन्द्रन को सीमाशुल्क कलक्टर, कलकत्ता के रूप में एतद्वारा नियुक्त करती है।

2. इस अधिसूचना के अधीन की गई श्री एम. रामचन्द्रन की नियुक्ति का श्री ए. के. बन्धोपाध्याय की सीमाशुल्क कलक्टर कलकत्ता के रूप में नियुक्ति पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं 59/फ. सं. 437/1/73-सी. शुल्क-4]

एस. के. कोहली, अवर सचिव.

रिज़र्व बैंक ऑफ इंडिया

नई दिल्ली, 17 अप्रैल, 1973

का०आ 1182.—रिज़र्व बैंक ऑफ इंडिया अधिनियम 1934 के अनुसरण में अप्रैल 1973 की 6 तारीख को ममाप्त हुए सप्ताह के लिए लेखा

## दशू विभाग

देयताएं	रुपये	रुपये	आस्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए नोट	19,13,22,000		सोमे का सिक्का और बुलियन :—		
			(क) भारत में रखा हुआ	182,53,11,000	
संचालन में नोट	5419,36,08,000		(ख) भारत के बहार रखा हुआ	—	
			विदेशी प्रतिभूतियां	171,65,38,000	
			जोड़		354,18,49,000
जारी किये गये कुल नोट		5438,49,30,000	रुपये का सिक्का		4,95,57,000
			भारत सरकार की रुपया प्रतिभूतियां		5079,35,24,000
			देशी विनिमय बिल और दूसरे वाणिज्य-पत्र		—
कुल देयताएं		5438,49,30,000	कुल आस्तियां		5438,49,30,000

तारीख 11 अप्रैल, 1973

[सं फ० 1 (I)/73-बी०ओ०-I]

एस. जगन्नाथन, गवर्नर

## CUSTOMS

S.O. 1180.—In exercise of the powers conferred by sub-section (1) of section 4 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints Shri M. Ramachandran as the Collector of Customs, Calcutta.

2. The appointment of Shri M. Ramachandran made under this notification shall be without prejudice to the appointment of Shri A. K. Bandyopadhyay as the Collector of Customs, Calcutta.

[No. 59/F. No. 437/1/73-Cus. IV]

S. K. KOHLI, Under Secy.

## (बैंककारी विभाग)

नई दिल्ली, 5 अप्रैल, 1973

का. आ. 1181.—जमा बीमा अधिनियम, 1961 (1961 का 47) की धारा 6 की उपधारा (1) के खंड (घ) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार, श्री. सी. बालकृष्णन, सचिव, भारतीय चार्टर्ड एकाउण्टेंट संस्थान, नई दिल्ली, को 5 मई, 1973 से दो वर्ष की अवधि के लिए जमा बीमा निगम के निदेशक के रूप में नामनिर्देशित करती है।

[फा. 13/2/73-बी. ओ. आई]

डी. एम. सुकथंकर, निदेशक

## (Department of Banking)

New Delhi, the 5th April, 1973

S.O. 1181.—In pursuance of the provisions of clause (d) of sub-section (1) of Section 6 of the Deposit Insurance Corporation Act, 1961 (47 of 1961), the Central Government hereby nominates Shri C. Balakrishnan, Secretary, Institute of Chartered Accountants of India, New Delhi, as Director of the Deposit Insurance Corporation for a period of two years with effect from 5th May, 1973.

[F. 13/2/73-B.O.I.]

D. M. SUKTHANKAR, Director

6 अप्रैल, 1973 को रिज़र्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यकलाप का विवरण

देयताएँ	रुपये	प्राप्तियाँ	रुपये
चुक्ता पूंजी	5,00,00,000	नोट	19,13,22,000
आरक्षित निधि	150,00,00,000	रुपये का सिक्का	4,39,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि	209,00,00,000	छोटा सिक्का	3,80,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि	45,00,00,000	खरीदे और भुनाये गये बिल	
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएँ) निधि	175,00,00,000	(क) देशी	28,64,04,000
जमा राशियाँ :—		(ख) विदेशी	
(क) सरकारी		(ग) सरकारी खजाना बिल	143,44,57,000
(i) केन्द्रीय सरकार	164,99,06,000	विदेशों में रखा हुआ बकाया*	209,33,92,000
(ii) राज्य सरकारें	5,65,23,000	निवेश**	392,38,46,000
(ख) बैंक		ऋण और अग्रिम	
(i) अनुसूचित वाणिज्य बैंक	245,95,63,000	(i) केन्द्रीय सरकार को	
(ii) अनुसूचित राज्य सहकारी बैंक	15,31,60,000	(ii) राज्य सरकारों को†	154,70,90,000
(iii) गैर अनुसूचित राज्य सहकारी बैंक	97,93,000	ऋण और अग्रिम :—	
(iv) अन्य बैंक	32,87,000	(i) अनुसूचित वाणिज्य बैंकों को †	102,37,70,000
(ग) अन्य	75,13,91,000	(ii) राज्य सहकारी बैंकों को ††	254,18,08,000
देय बिल	92,82,26,000	(iii) दूसरों को	4,02,52,000
अन्य देयताएँ	427,66,16,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि से ऋण, अग्रिम और निवेश	
		(क) ऋण और अग्रिम :—	
		(i) राज्य सरकारों को	65,53,81,000
		(ii) राज्य सहकारी बैंकों को	22,10,26,000
		(iii) केन्द्रीय भूमिबन्धक बैंकों को	
		(iv) कृषि पुनर्बिस्त निगम को	29,70,00,000
		(ख) केन्द्रीय भूमिबन्धक बैंकों के डिबेंचरों में निवेश	
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अग्रिम	11,24,73,000
		राज्य सहकारी बैंकों को ऋण और अग्रिम राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएँ) निधि से	27,36,52,000
		ऋण, अग्रिम और निवेश	
		(क) विकास बैंक को ऋण और अग्रिम	94,94,36,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडो/डिबेंचरों में निवेश	
		अन्य प्राप्तियाँ	53,63,37,000
रुपये	1612,84,65,000	रुपये	1612,84,65,000

\*नगदी, आर्वाधिक जमा और अल्पकालीन प्रतिभूतियाँ शामिल हैं।

\*\*राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएँ) निधि में से किये गये निवेश शामिल नहीं हैं।

†राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परंतु राज्य सरकारों को दिये गये अस्थायी ओवरड्राफ्ट शामिल हैं।

††रिज़र्व बैंक ऑफ इंडिया अधिनियम की धारा 17 (1) (ग) के अधीन अनुसूचित वाणिज्य बैंकों की भिमादी बिलों पर अग्रिम दिये गये 23,45,00,000/- रुपये शामिल हैं।

‡‡राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि में प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

तारीख 11 अप्रैल, 1973.

एस. जगन्नाथन, गवर्नर

[सं. प. 1 (1)/73-बी. प्रो.-1]

च० व० शीरजन्धानी, प्रवर सचिव,

## RESERVE BANK OF INDIA

New Delhi, the 17th April, 1973

S. O. 1182.—An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 6th day of April, 1973

## ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . . . .	19,13,22,000		Gold Coin and Bullion:—		
Notes in circulation . . . . .	5419,36,08,000		(a) Held in India . . . . .	182,53,11,000	
Total Notes Issued . . . . .		5438,49,30,000	(b) Held outside India . . . . .		
			Foreign Securities . . . . .	171,65,38,000	
			TOTAL . . . . .		354,18,49,000
			Rupee Coin . . . . .		4,95,57,000
			Government of India Rupee Securities . . . . .		5079,35,24,000
			Internal Bills of Exchange and other commercial paper . . . . .		
Total Liabilities . . . . .		5438,49,30,000	Total Assets . . . . .		5438,49,30,000

Dated the 11th day of April, 1973.

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 6th April 1973

Liabilities	Rs.	Assets	Rs.
Capital Paid up . . . . .	5,00,00,000	Notes . . . . .	19,13,22,000
Reserve Fund . . . . .	150,00,00,000	Rupee Coin . . . . .	4,39,000
National Agricultural Credit (Long Term Operations) Fund . . . . .	209,00,00,000	Small Coin . . . . .	3,80,000
National Agricultural Credit (Stabilisation) Fund . . . . .	45,00,00,000	Bills Purchased and Discounted:—	
National Industrial Credit (Long Term Operations) Fund . . . . .	175,00,00,000	(a) Internal . . . . .	28,64,04,000
Deposits:—		(b) External . . . . .	
(a) Government		(c) Government Treasury Bills . . . . .	143,44,57,000
(i) Central Government . . . . .	164,99,06,000	Balances Held Abroad* . . . . .	209,33,92,000
(ii) State Governments . . . . .	5,65,23,000	Investments** . . . . .	392,38,46,000
(b) Banks		Loans and Advances to:—	
(i) Scheduled Commercial Banks . . . . .	245,95,63,000	(i) Central Government . . . . .	
(ii) Scheduled State Co-operative Banks . . . . .	15,31,60,000	(ii) State Government† . . . . .	154,70,90,000
(iii) Non-Scheduled State Co-operative Banks . . . . .	97,93,000	Loans and Advances to:—	
(iv) Other Banks . . . . .	32,87,000	(i) Scheduled Commercial Banks† . . . . .	102,37,70,000
(c) Others . . . . .	75,13,91,000	(ii) State Co-operative Banks†† . . . . .	254,18,08,000
Bills Payable . . . . .	92,82,26,000	(iii) Others . . . . .	4,02,52,000
Other Liabilities . . . . .	427,66,16,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
Rupees . . . . .	1612,84,65,000	(a) Loans and advances to:—	
		(i) State Governments . . . . .	65,53,81,000
		(ii) State Co-operative Banks . . . . .	22,10,26,000
		(iii) Central Land Mortgage Banks . . . . .	
		(iv) Agricultural Refinance Corporation . . . . .	29,70,00,000
		(b) Investment in Central Land Mortgage Bank Debentures . . . . .	11,24,73,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		Loans and Advances to State Co-operative Banks	27,36,52,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
		(a) Loans and Advances to the Development Bank . . . . .	94,94,36,000
		(b) Investment in Bonds/debentures issued by the development Bank . . . . .	
		Other Assets . . . . .	53,63,37,000
		Rupees . . . . .	1612,84,65,000

\*Includes Cash, Fixed Deposits and Short-term Securities.

\*\*Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

†Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

††Includes Rs. 23,45,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

†††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 11th day of April, 1973

S. JAGANNATHAN, Governor,

[No. F. 1 (1)/73 B.O.]

C. W. MIRCHANDANI, Under Secy.

**केंद्रीय उत्पादन-शुल्क और सीमाशुल्क बोर्ड**

नई दिल्ली, 28 अप्रैल, 1973

**सीमा शुल्क**

का. आ. 1183.—सीमाशुल्क अधिनियम 1962 (1962 का 52) की धारा 5 की उपधारा (1) के अनुसरण में केंद्रीय उत्पादन-शुल्क और सीमाशुल्क बोर्ड एतद्वारा निर्देश देता है कि श्री एम. रामचन्द्रन, सीमाशुल्क कलक्टर, कलकत्ता, ऐसे कलक्टर के रूप में उक्त अधिनियम के अध्याय 14 के अधीन सीमाशुल्क-कलक्टर को प्रदत्त शक्तियों का या उस पर अधिरोपित कर्तव्यों से भिन्न किन्हीं शक्तियों का प्रयोग या किन्हीं कर्तव्यों का निर्वहन नहीं करेंगे।

[सं. 60/फ. सं. 437/1/73-सी. शुल्क-4]

ए. के. कोहली, अवर सचिव.

(Central Board of Excise and Customs)

New Delhi, the 28th April, 1973

**CUSTOMS**

S.O. 1183.—In pursuance of sub-section (1) of section 5 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby directs that Shri M. Ramachandran, Collector of Customs, Calcutta, shall not, as such Collector, exercise any powers or discharge any duties conferred or imposed on a Collector of Customs under the said Act other than those under Chapter XIV thereof.

[No. 60/F. No. 437/1/73-Cus. IV]

S. K. KOHLI, Under Secy.

**बाणिज्य मंत्रालय****आदेश**

नई दिल्ली, 28 मार्च, 1973

का. आ. 1184.—आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार टेक्सटाइल मशीनरी (उत्पादन तथा वितरण) नियन्त्रण आदेश, 1962 में और आगे संशोधन करने के लिए एतद्वारा निम्नोक्त आदेश देती है, अर्थात् :—

1. यह आदेश टेक्सटाइल मशीनरी (उत्पादन तथा वितरण) नियन्त्रण (संशोधन) आदेश, 1973 कहा जा सकेगा।

2. टेक्सटाइल मशीनरी (उत्पादन तथा वितरण) नियन्त्रण आदेश, 1962 में खण्ड 6 के बाद निम्नोक्त खण्ड रखा जाए, अर्थात् :—

7. अपील कोर्ट भी व्यक्ति जो, इस आदेश के अधीन वस्त्र आयुक्त के किसी भी आदेश द्वारा व्यथित हो, वह ऐसे आदेश की संसूचना की तारीख के तीसरे दिन के भीतर केंद्रीय सरकार को अपील कर सकता है और उस पर केंद्रीय सरकार जो निर्णय देगी वह अन्तिम होगा।

[फा. सं. 24014/2/72-टेक्स(एच.)]

**MINISTRY OF COMMERCE****ORDER**

New Delhi, the 28th March, 1973

S.O. 1184.—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Textile Machinery (Production and Distribution Control Order, 1962, namely:—

1. This Order may be called the Textile Machinery (Production and Distribution) Control (Amendment) Order, 1973.

8 G of I/73—2

2. In the Textile Machinery (Production and Distribution) Control Order, 1962, after clause 6, the following clause shall be inserted, namely:—

7. **Appeal.** Any person aggrieved by any order of the Textile Commissioner made under this Order may prefer an appeal to the Central Government within thirty days of the date of communication of such order and the decision of the Central Government thereon shall be final.

[File No. 24014/2/72-Tcx(H)]

**आदेश**

नई दिल्ली, 2 अप्रैल, 1973

का. आ. 1185.—आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, वस्त्र (बुनाई, कशीदाकारी, लेस बनाने और छपाई की मशीनों द्वारा उत्पादन) नियन्त्रण आदेश, 1963 में और आगे संशोधन करने के लिए एतद्वारा निम्नलिखित आदेश करती है, अर्थात् :—

1. (1) इस आदेश का नाम वस्त्र (बुनाई, कशीदाकारी, लेस बनाने और छपाई की मशीनों द्वारा उत्पादन) नियन्त्रण (संशोधन) आदेश, 1973 होगा।

(2) यह शासकीय राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा।

2. वस्त्र (बुनाई कशीदाकारी, लेस बनाने और छपाई की मशीनों द्वारा उत्पादन) नियन्त्रण आदेश, 1963 इसमें इसके पश्चात् (जिस उक्त आदेश कहा जाएगा) के खण्ड 4 के उपखण्ड (1) में "नियन्त्रण संशोधन आदेश, 1970" शब्दों तथा अंकों के लिए "नियन्त्रण (द्वितीय संशोधन) आदेश, 1971" शब्द, कोष्ठक तथा अंक प्रतिस्थापित किए जाएंगे।

3. उक्त आदेश के खण्ड 6 के उप-खण्ड (1-क) में,—

(1) मव (क) में, "नियन्त्रण संशोधन आदेश, 1970" के लिए "नियन्त्रण (द्वितीय संशोधन) आदेश, 1971" शब्द, कोष्ठक तथा अंक प्रतिस्थापित किए जाएंगे :

(2) मद (ग) के लिए निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :

"(ग) जिसके लिए खण्ड 4-क के अधीन जारी किया गया रजिस्ट्रीकरण प्रमाण-पत्र खण्ड 5 के अधीन रद्द कर दिया गया है।"

[फा. सं. 8(42)/69-टेक्स(एच.)]

**ORDER**

New Delhi, the 2nd April, 1973

S.O. 1185.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Textile (Production by Knitting, Embroidery, Lace making and Printing Machines) Control Order, 1963, namely:—

1. (1) This Order may be called the Textiles (Production by Knitting, Embroidery, Lace making and Printing Machines) Control (Amendment) Order, 1973.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In sub-clause (1) of clause 4A of the Textiles (Production by Knitting, Embroidery, Lace making and Printing Machines) Control Order, 1963 (hereinafter referred to as the said Order), for the words and figures "Control Amendment Order, 1970", the words, brackets and figures "Control

(Second Amendment) Order, 1971" shall be substituted.

3. In sub-clause (IA) of clause 6 of the said Order;—

(i) in item (a), for the words and figures "Control Amendment Order 1970", the words, brackets and figures "Control (Second Amendment) Order, 1971" shall be substituted;

(ii) for item (c), the following item shall be substituted, namely:—

"(c) for which the registration certificate issued under clause 4A has been cancelled under clause 5".

[File No. 8/42/69-Tex(H)]

नई दिल्ली, 2 अप्रैल, 1973

### सूची-यम

क्र. आ. 1186.—भारत सरकार के विदेश व्यापार मंत्रालय की अधिसूचना सं. का आ 3166, दिनांक 21 जुलाई, 1971, में तथा भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (2) में पृष्ठ 4425—4428 पर प्रकाशित पृष्ठ 4425 पर, पंक्ति 7 में, "संशोधन आदेश" के लिए "(द्वितीय संशोधन) आदेश" पढ़ें।

[फा. सं. 8(42)/69-टैक्स (एच)]

टी. खन्ना, उप-सचिव।

### CORRIGENDUM

New Delhi, the 2nd April, 1973

S.O. 1186.—In the notification of the Government of India in the then Ministry of Foreign Trade No. S.O. 3166, dated the 21st July, 1971, and published in the Gazette of India, part II, Section 3, Sub-Section (ii), at pages 4422-4424—

at page 4422, in line 7, for "Amendment Order", read "(Second Amendment) Order";  
at page 4423, in line 6 from the bottom, for "9", read "8".

[File No. 8/42/69-Tax(H)]

T. KHANNA, Deputy Secy.

### संशोधन

(स्टैपल तंतु नियंत्रण आदेश, 1972, तारीख 6-12-1972)

नई दिल्ली, 17 अप्रैल, 1973

क्र. आ. 1187.—आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त नियंत्रण आदेश में निम्नीलिखित संशोधन करती है:—

नियंत्रण आदेश के खण्ड 7 में सूत की कटाई से भिन्न शब्दों के स्थान पर

"उससे भिन्न जिसके लिए यह उक्त नियंत्रण आदेश के खण्ड 4 के अधीन जारी किए गए अनुज्ञापत्र के अधीन अर्जित किया गया है" शब्द पढ़ें।

[सं. फा. 17013/1/72-वस्त्र (एफ)]

के. किशोर, संयुक्त सचिव

### Amendment

(Staple Fibre Control Order, 1972, dated 6-12-1972)

New Delhi, the 17th April, 1973

S.O. 1187.—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following amendment to the said Control Order:—

For the words 'Other than spinning of yarn' in clause 7 of the Control Order,

Read other than for which it has been acquired under the permit issued under clause 4 of the said Control Order'.

[No. F. 17013/1/72-Tex(F)]

K. KISHORE, Joint Secy.

### मुख्य नियंत्रक, आयात-निर्यात का कार्यालय

### आदेश

नई दिल्ली, 9 मार्च, 1973

क्र. आ. 1188.—सचिनी हिन्दुस्तान स्टील लि., दुर्गापुर को 42,00,000 रु. (ब्यालीस लाख रु. मात्र) का एक आयात लाइसेंस सं. आई/ए/1043702/टी/वाई आर/37/एच/31-32 दिनांक 24-12-70 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुमति सीमाशुल्क कार्य संबंधी प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क कार्य संबंधी प्रति खो गई/अस्थानस्थ हो गई है। आगे यह बताया गया है कि मूल सीमाशुल्क कार्य संबंधी प्रति सीमाशुल्क प्राधिकारी कलकत्ता के पारा पंजीकृत करवाई गई थी और उसका आंशिक उपयोग किया गया था। इसका 17,18,800 रु. के लिए उपयोग किया गया था और 24,81,200 रु. शेष बचा था।

2. इस तर्क के समर्थन में आवेदक ने प्रेजीडेंसी मजिस्ट्रेट, कलकत्ता के एक प्रमाण पत्र के साथ एक शपथ पत्र दार्जिल किया है। मैं तदनुसार संतुष्ट हूँ कि उपर्युक्त लाइसेंस की मूल सीमाशुल्क कार्य संबंधी प्रति खो गई है। इसलिए, यथा संशोधित आयात नियंत्रण आदेश, 1955 दिनांक 7-12-1955 की उप-धारा 9(सी सी) के अंतर्गत प्रदत्त अधिकारों का प्रयोग कर लाइसेंस सं. आई/ए/1043702/टी/वाई आर/37/एच/31-32 दिनांक 24-12-70 की मूल सीमाशुल्क कार्य संबंधी प्रति जो सर्वश्री हिन्दुस्तान स्टील लि., दुर्गापुर को जारी की गई थी उसे एतद्वारा रद्द किया जाता है।

3. लाइसेंसधारी को उपर्युक्त लाइसेंस की अनुमति सीमाशुल्क कार्य संबंधी प्रति अलग से जारी की जा रही है।

[सं. एच एस एल/डी/6/70-71/पी एस एच ए]

सरकुलर रिह, उप मुख्य नियंत्रक

(Office of the Chief Controller of Imports and Exports)

### ORDER

New Delhi, the 9th March, 1973

S.O. 1188.—M/s. Hindustan Steel Ltd., Durgapur, were granted an import licence No. I/A/1043702/T/YR/37/H/31.32 dated 24-12-1970 for Rs. 42,00,000 (Rupees Fortytwo Lakhs only). They have applied for the issue of a duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy has been lost misplaced. It is further stated that the original Customs Purposes copy was registered with the Customs authorities at Calcutta utilised partly. It was utilised for 17,18,000 and the balance available on it was Rs. 24,81,200.

2. In support of this contention the applicant has filed an affidavit along with a certificate from the Presidency Magistrate, Calcutta. I am accordingly satisfied that the original Customs Purposes copy of the said licence has been lost. Therefore in exercise of the powers conferred under sub-Clause 9 (cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy of licence No. I/A/1043702/T/YR/37/H/31-32 dated 24-12-1970 issued to M/s. Hindustan Steel Ltd., Durgapur is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued separately to the licensee.

[No HSL/D/6/70-71/PLSA]

SARDUL SINGH, Dy. Chief Controller

## आदेश

नई दिल्ली, 18 अप्रैल, 1973

## पेट्रोलियम और रसायन मंत्रालय

## (पेट्रोलियम विभाग)

नई दिल्ली, 12 अप्रैल, 1973

का. आ. 1189.—सर्वश्री सन् एन सैंड होटल प्रा. लि., 39, जुहु बीच बम्बई-45 को 5000 रु. (पांच हजार रु. मात्र) का एक आयात लाइसेंस सं. पी./ए/1359507 दिनांक 15-4-72 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की सीमाशुल्क कार्यसंबंधी तथा मुद्रा विनियम नियंत्रण प्रतियों के लिए इस आधार पर आवेदन किया है कि लाइसेंस की दोनों मूल प्रतियां अस्थानस्थ हो गई हैं। आगे यह बताया गया है कि मूल लाइसेंस का न तो उपयोग ही किया गया था और न ही उसे सीमाशुल्क प्राधिकारियों के पास पंजीकृत ही करवाया गया था। उस में शेष बचा मूल्य 5000 रु. था।

इस तर्क के समर्थन में आवेदक ने स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है। मैं तदनुसार संतुष्ट हूँ कि उपर्युक्त लाइसेंस की दोनों प्रतियां अस्थानस्थ हो गई हैं। इसीलिए यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उप धारा 9 (सी.सी.) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर उपर्युक्त लाइसेंस सं. पी./ए/1359507 दिनांक 15-4-72 की दोनों मूल प्रतियां अर्थात् सीमाशुल्क कार्यसंबंधी तथा मुद्रा विनियम नियंत्रण प्रतियां जो सर्वश्री सन्-एन-सैंड होटल प्रा. लि. बम्बई को जारी की गई थीं, उन्हें रद्द की जाती हैं।

लाइसेंस को उपर्युक्त लाइसेंस की अनुलिपि सीमाशुल्क कार्य-सम्बन्धी तथा मुद्रा विनियम नियंत्रण प्रतियां अलग से जारी की जा रही हैं।

[सं. 26/एच./ए.एम. 73/आई.एल.एस./207]

एम. जी. गोम्बर, उप-मुख्य नियंत्रक

## ORDER

New Delhi, the 18th April, 1973

S.O. 1189.—M/s. Sun-N-Sand Hotel Pvt., Ltd., 39, Juhu Beach, Bombay were granted an import licence No. P/A/1359507 dated 15-4-1972 for Rs. 5,000 (Rupees Five Thousand only). They have applied for the issue of duplicates of Customs Purposes and Exchange Control Purposes copies of the said licence on the ground that both the copies of the licence have been misplaced. It is further stated that the original licence was neither utilised nor registered with the Customs authorities. The balance available on it was Rs. 5,000/-.

2. In support of this contention, the applicant has filed an affidavit on a stamped paper. I am accordingly satisfied that both the copies of the said licence have been misplaced. Therefore, in exercise of the power conferred under sub-clause 9 (cc) of the Imports (Control) Order 1955 dated 7-12-1955 as amended, the said original Customs Purposes & Exchange Control Purposes copies of licence No. P/A/1359507 dated 15-4-1972, issued to M/s. Sun-N-Sand Hotel Pvt. Ltd., Bombay are hereby cancelled.

3. Duplicate Customs Purposes and Exchange Control Purposes copies of the said licence are being issued separately to the licensee.

[No. 26-H/AM-73/ILS/207]

M. G. GOMBAR, Dy. Chief Controller.

का. आ. 1190.—यतः पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय की अधिसूचना का. आ. सं. 5246, दिनांक 6-12-72 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइन के विछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है और, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल तथा प्राकृतिक गैस आयात में, सभी बन्धकों के मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

डी०एम०एन० के वी० से काडी 1 तक लाइन

राज्य	गुजरात	जिला:	महमना	तालुका	महमना
गांव	सर्वेक्षण हैक्टर		ए० आर० ई०	पी० ए०	
	सं०	आर० ई०			
ममादपुरा	104	0	11	12	
	127/1	0	3	03	
	128/1	0	4	80	
	134/1	0	1	80	
	133	0	8	09	
	136	0	10	61	
	132	0	1	51	
	140	0	4	04	
	141	0	4	04	
	144/1	0	7	08	
	146	0	6	07	
	147	0	5	05	
	150	0	9	10	
	151	0	4	04	
	155/1	0	3	53	
	155/2	0	4	04	
	157	0	8	09	
	156	0	3	03	
	160	0	10	11	
	163	0	19	25	
	164	0	9	10	
वार्ड ट्रेक	—	0	83	00	

[सं. 11/1/70 लेबर एंड लेजिस]

**MINISTRY OF PETROLEUM AND CHEMICALS**  
(Department of Petroleum)

New Delhi, the 12th April, 1973

**S.O. 1190.**—Whereas by a notification of the Govt. of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S. O. No. 5246 dated 6-12-1972 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas the Competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government,

And Further Whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now Therefore in exercise of the Power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

**SCHEDULE**

Line from D. S. NKV to Kadi I

Stato : Gujarat	Dist. : Mehsana	Taluka: Mehsana		
Village	Survey No.	Hectare	Acre	P. Acre.
Memadpura	104	0	11	12
	127/1	0	3	03
	128/1	0	4	80
	134/1	0	4	80
	133	0	8	09
	136	0	10	61
	132	0	1	51
	140	0	4	04
	141	0	4	04
	144/1	0	7	08
	146	0	6	07
	147	0	5	05
	150	0	9	10
	151	0	4	04
	155/1	0	3	53
	155/2	0	4	04
	157	0	8	09
	156	0	3	03
	160	0	10	11
	163	0	19	25
	164	0	9	10
Cart track	—	0	83	00

[No. 11/1/70-Lab. & Legis]

**का. आ. 1191.**—यतः पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय की अधिसूचना का. आ. सं. 5247, दिनांक 6-12-72 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को विछाने के प्रयोजन के लिये अर्जित करने का अपना आराय घोषित कर दिया था,

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है :

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है और, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय सेल तथा प्रकृतिगैस गैस आयाग में, सभी बन्धकों के मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

**अनुसूची**

डी०एस०एन०के०टी० से डी०एस० काडी 1 पर रू० मुख प्रतिष्ठापन तक

राज्य : गुजरात	जिला : मेहसाना	तालुका : काडी			
गांव	सर्वेक्षण	हेक्टर ए०	आर०	पी०	ए०
	स०		ई०	आर०	ई०
मोयान	156	0	3	50	
	154	0	8	00	
	153	0	6	00	
सूरज	674	0	1	00	
सर्वेक्षण संख्या 153 तथा 675 के बीच काटें ट्रेक			1	00	
	675	0	17	76	
	701	0	15	60	
	700/1	0	16	56	
	694	0	8	88	
	696	0	9	72	
सर्वेक्षण सं० 969 तथा 48 के बीच काटें ट्रेक			2	88	
चालासन	48/3	0	5	00	

[सं. 11/1/70 लेबर एण्ड लेजिस]

**S.O. 1191.**—Whereas by a notification of the Govt. of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S. O. No. 5247 dated 6-12-1972 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And Whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And Further Whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore in exercise of the Power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of the power conferred by sub-section (4) of that section, the Central Government directs

that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

## SCHEDULE

Line from D.S. NKT to well head installation at D.S.

## Kadi 1

State : Gujarat	District : Mehsana		Taluka : Kadi	
Village	Survey No.	Hectares	Are	P. Are
Moyan	156	0	3	50
	154	0	8	00
	153	0	6	00
Suraj	674	0	1	00
Card track between S. No. 153 & 675		0	1	00
	675	0	17	76
	701	0	15	60
	700/1	0	16	56
	694	0	8	88
	696	0	9	72
Cart track between S. No. 969 & 48		0	2	88
Chalasan	48/3	0	5	00

[No. 11/1/70-Lab. & Legis.]

का. आ. 1102.—यतः पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय की अधिसूचना का. आ. सं. 3180 दिनांक 13-9-72 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था,

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है :

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है और उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल तथा प्राकृतिक गैस आयोग में, सभी बन्धकों के मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

## अनुसूची

डी०एम० काडी-10 से काडी 4 तक पाइपलाइन

राज्य गुजरात	जिला महसना	तालुका महसना	सर्वेक्षण सं०	हैक्टर ई	ए.आर. पी. ए. आर. ई
लक्ष्मीपुरा			241/1	0	6 73
			एच 2		
			273	0	3 66
			272	0	00 75
			वी०पी०कार्ट ट्रैक	0	4 39
			269/2	0	13 73
काडी			1962	0	5 43
			वी०पी०कार्ट ट्रैक	0	2 62
			वी०पी ०कार्ट ट्रैक	1	2 48

[सं. 11/3/72-लेबर एण्ड लेजिस]

S.O. 1192.—Whereas by a notification of the Govt. of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 3180 dated 18-9-1972 under sub-Section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And Whereas the Competent Authority has under sub-Section (1) of Section 6 of the said Act, submitted to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore in exercise of the power conferred by sub-Section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further exercise of the power conferred by sub-Section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & National Gas Commission free from all encumbrances.

## SCHEDULE

Pipeline from D.S. Kadi-- 10 to Kadi-4

State : Gujarat	Dist : Mehsana		Tal : Kadi	
Village	Survey No.	Hectare	Are	P. Are
Laxinipura	274/1&2	0	6	73
	273	0	3	66
	272	0	00	75
	V.P. Cart track	0	4	39
	269/2	0	13	73
Kadi	1962	0	5	43
	V.P. Cart track	0	2	62
	V.P. Cart track	1	2	48

[No. 11/3/72-Lab & Legis.]

नई दिल्ली, 19 अप्रैल, 1973

का०प्रा० 1193.—यतः पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय की अधिसूचना का०प्रा० सं० 3903 दिनांक 25-11-72 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था;

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ;

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय है ;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के एतद् द्वारा अर्जित किया जाता है और उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल तथा प्राकृतिक गैस आयोग में, सभी बन्धकों के मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

## अनुसूची

बी ई क्यू से जी जी एस 111 तक पाइपलाइन बिछाना

राज्य : गुजरात		जिला : केरा		तासुका : मेलार	
गांव	सर्वेक्षण सं०	हेक्टर	ए आर ई	पी ए आर ई	
(1)	(2)	(3)	(4)	(5)	
पन्सोली	37/1	0	07	52	
	37/2	0	02	81	
	41	0	02	92	
	42	0	04	70	
	13	0	01	13	
	29	0	19	11	
	29	0	02	33	
	27/1	0	04	30	
	27/2+3	0	06	07	
	23	0	08	46	
	22	0	00	35	
	16/2 ए	0	00	25	
	16/3	0	01	13	
	16/4	0	07	70	
	16/5	0	05	56	
	16/6	0	01	51	
	57/1	0	00	19	
	15/1	0	04	30	
	14	0	04	11	
	13	0	05	82	
	12/1	0	02	02	
	12/2	0	01	81	

(1)	(2)	(3)	(4)	(5)
	10/3	0	07	84
	10/4	0	00	09
	85/1	0	05	82
	85/2	0	000	50
	85/3	0	02	27
	215/3	0	01	13
	215/4	0	04	81
	214/1	0	03	80
	214/2	0	03	14
	217/4	0	00	15
	218/1	0	02	27
	218/2	0	03	04
	218/3	0	02	64
	211/1	0	01	51
	211/2	0	00	25
	220/1	0	01	77
	220/2	0	04	94
	252	0	03	29
	251/2	0	04	05
	251/3	0	05	06
	250	0	01	26
	244/1 पी	0	06	19
	244/1 पी	0	03	29
नवांगोव	240	0	06	76
	241	0	01	88
	242	0	03	98
	245	0	01	07

[स० 11/4/71—लेबर एण्ड नेत्रिस]

New Delhi, 19th April, 1973

**S. O. 1193.**—Whereas by a notification of the Govt. of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 3903 dated 25-11-1972 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

AND WHEREAS the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

AND FURTHER WHEREAS the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

NOW THEREFORE in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

AND FURTHER in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

## SCHEDULE

Laying Pipeline from BEQ to G.G.S. III

State: Gujarat	Dist.: Kaira	Taluka: Matar		
Village	S. No.	Hectare	Acre	P. Acre
Pansoli	37/1	0	07	52
	37/2	0	02	84
	41	0	02	92
	42	0	04	70
	43	0	01	13
	28	0	19	11
	29	0	02	33
	27/1	0	04	30
	27/2+3	0	06	07
	23	0	08	46
	22	0	00	25
	16/2A	0	00	25
	16/3	0	01	13
	16/4	0	07	70
	16/5	0	05	56
	16/6	0	01	51
	57/1	0	00	19
	15/1	0	04	30
	14	0	04	11
	13	0	05	82
	12/1	0	02	02
	12/2	0	04	81
	10/3	0	07	84
	10/4	0	00	09
	85/1	0	05	82
	85/2	0	000	50
	85/3	0	02	27
	215/3	0	01	13
	215/4	0	04	81
	214/1	0	03	80
	214/2	0	03	14
	217/4	0	00	15
	218/1	0	02	27
	218/2	0	03	04
	218/3	0	02	64
	211/1	0	01	51
	211/2	0	00	25
	220/1	0	01	77
	220/2	0	04	94
	252/	0	03	29
	251/2	0	04	05
	251/3	0	05	06
	250	0	01	26
	244/IP	0	06	19
	244/IP—	0	03	29
Nawagam	240	0	06	76
	241	0	01	88
	242	0	03	98
	245	0	01	07

[No. 11/4/71—Lab. &amp; Legis.]

का० प्रा० 1194.—यत् वैद्रीयम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा की उपधारा (1) के अधीन भारत सरकार के वैद्रीयम और रसायन मंत्रालय की अधिसूचना का० प्रा० सं० 2797 दिनांक 26-7-72 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार की पाइपलाइन को बिछाने के प्रयोजन के लिए अर्जित करने का अपना प्राण्य घोषित कर दिया था:

और यत् गश्म प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है:

और यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है:

और यत् उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिये एतद् द्वारा अर्जित किया जाता है और, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने की वजह से भारतीय नेल निगम में, सभी बन्धकों के मुक्त रूप में इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

बी एम बी ई आर्ट में नवागाव नेल क्षेत्र में बी ई आर तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात		जिला : कैरा		तालुका : मातार	
गांव	सर्वेक्षण सं०	हेक्टर	ए आर ई	पी ए आर ई	
पसोली	43	0	07	00	
	36	0	06	00	
	35	0	05	00	
नवागाव	250	0	11	00	

[सं० 11/4/71 लेबर एण्ड लेजिस]

आर० एन० चोपड़ा, अवर सचिव

S.O. 1194.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 2797 dated 26-7-1972 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, Submitted report to the Government;

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore in exercise of the Power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

## SCHEDULE

For Laying pipeline From D.S. BEI to BER in Nawagam Oil Field.

State: Gujarat	Dist: Kaira	Taluka: Matar		
Village	S.No.	Hectare	Acre	P.Acre
Pansoli	43	0	07	00
	36	0	06	00
	35	0	05	00
Nawagam	250	0	11	00

[No. 11/4/71/UAB. &amp; LEGIS]

R. N. CHOPRA, Under Secy.

## भारी उद्योग मंत्रालय

## MINISTRY OF HEAVY INDUSTRY

## आदेश

## ORDER

नई दिल्ली, 16 अप्रैल, 1973

New Delhi, the 16th April, 1973

का० आ० 1195.—उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एकम् विकास परिषदे (कार्यविधि) नियम, 1952 के नियम 2, 4 और 5 के साथ पढ़ते हुए, केन्द्रीय सरकार एवम् द्वारा निम्नलिखित व्यक्तियों को विद्युत् ऊर्जा का जनित्रण, परिवहन और वितरण करने के लिए बिजली की मोटरों और मशीनों तथा उपकरणों के निर्माण अथवा उत्पादनरत अनुसूचित उद्योगों (जहाँ काम में आने वाले मोटरों तथा पैनल यंत्रों को छोड़कर) को विकास परिषद् का, जिसे भारत सरकार के औद्योगिक विकास मंत्रालय के आदेश सं० का० आ०/आई० डी० आर० ए०/6/5 दिनांक 25 नवम्बर, 1972 के द्वारा पुनर्गठित और स्थापित किया गया था, सदस्य नियुक्त करनी है :—

1. श्री डी० डी० देसाई,  
संसद-सदस्य,  
(लोक सभा), नई दिल्ली।

केन्द्रीय सरकार यह भी निदेश देती है कि उक्त आदेश में निम्नलिखित संशोधन किया जाएगा :—

(1) श्री ए० एस० लक्ष्मण (मे० एस० डब्ल्यू० लिमिटेड, बंगलूर) से संबंधित प्रविष्टि सं० 28 के पश्चात् निम्नलिखित प्रविष्टि निम्नलिखित की जाएगी, अर्थात् :—

28. श्री डी० डी० देसाई,  
संसद-सदस्य,  
(लोक सभा), नई दिल्ली।

[सं० ई० ई० आई-19(18)/72]

आर० कृष्णास्वामी, उप-सचिव

S. O. 1195.—In exercise of the powers conferred by section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951) read with Rules 2, 4 & 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints the following person to be member of the Development Council for the Scheduled Industries engaged in the manufacture of production of electric motors and of machinery and equipment for the generation of transmission and distribution of energy (excluding house service meters and panel instruments) which was reconstituted and established by Order No. S.O. IDRA, 6/5 dated the 25th November, 1972 of the Government of India, Ministry of Industrial Development.

1. Shri D. D. Desai,  
Member of Parliament,  
(Lok Sabha), New Delhi.

2. The Central Government also directs that the following amendment shall be made in the said Order :—

- (1) After entry No. 28 relating to Shri A. S. Lakshman (M/s. SW Ltd., Bangalore), the following entry shall be inserted, namely :—

29. Shri D. D. Desai,  
Member of Parliament,  
(Lok Sabha), New Delhi.

[No. EEI-19(18)/72]

R. KRISHNASWAMY, Deputy Secy.

## औद्योगिक विकास और विज्ञान और औद्योगिकी मंत्रालय

नई दिल्ली, 12 अप्रैल, 1973

## भारतीय मानक संस्था

का० आ० 1196.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रामाणन बिन्दु) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि प्रामाणन बिन्दु लाइसेंस सं० एम/एन-3110 जिनके व्योरे नीचे अनुसूची में दिए गए हैं लाइसेंसधारी द्वारा लाइसेंस (जो अब रद्द हो गया है) की बकाया राशि का भुगतान न करने के कारण 1 अगस्त, 1972 से रद्द कर दिया गया है :—

## अनुसूची

लाइसेंस संख्या और तिथि	लाइसेंसधारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	तत्सम्बन्धी भारतीय मानक
सी०एम०/एन-3110 27-7-1972	एलडी वायर सेल्स प्रा० लि० एम०आई० डी० सी० प्लॉट सं० सी-23, बोम्बेईली कल्याण। इनका कार्यालय "एलडी बैम्बर्स" 3-भड़ोच स्ट्रीट, बम्बई-9 में है।	इस्पात की कोर वाले एल्युमिनियम बालकों के लिए इस्पात का तार	IS : 398-1961 शिरोपरि पावर प्रेषण कार्य के लिए सख्त बिन्धे लड़दार एल्युमिनियम और इस्पात की कोर वाले एल्युमिनियम बालकों की विशिष्टि (पुनरीक्षित)

[सं० सी० एम० डी०/55:3110 (ईटी)]

ए० डी० राव, निदेशक (सेंट्रल मार्केट)

## MINISTRY OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY

New Delhi, the 12th April, 1973

## INDIAN STANDARDS INSTITUTION

S. O. 1196.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended subsequently, the Indian Standards Institution hereby notifies that Certification Marks Licence No. CM/L-3110 particulars of which are given below, has been cancelled with effect from 1 August 1972 as the licensee failed to clear the outstanding dues in respect of the licences (since lapsed) held by them.

## SCHEDULE

Licence No. and Date	Name and Address of the Licen- see	Article/Process covered by the licence cancelled	Relevant Indian Standard
CM/L-3110 27-7-1972	Eldee Wire Ropes Pvt. Ltd., M.I.D.C. Plot No C-23, Dombivli, Kalyan having their office at 'ALDEE CHAMBERS' 3, Broach Street, Bombay-9.	Steel wire for the core of steel cored aluminium conductors	IS : 398-1961 Specification for hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes (Revised)

[No. CMD/55:3110(ET)]

A. B. RAO, Director (Central Marks)

नई दिल्ली, 17 अप्रैल, 1973

क्र० आ० 1197.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 विनियम 3 ए के उपविनियम (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि संस्था ने ब्रिटिश मानक बी० एस० : 3656-1963 जिसके खोले नोम्ब्रे अनुसूची में दिए हैं, को भारतीय मानक के रूप में मान्यता दी है। मान्यता मानक को IS 6908 मल और जल निकास के लिए ऐम्बेस्टास सीमेंट पाइप और फिटिंग की विशिष्ट नाम प्रदान किया गया है।

## अनुसूची

क्र० संख्या	मान्यताप्राप्त मानक की संख्या और शीर्षक	मानक तैयार और निर्धारित करने वाली संगठन का नाम और पता	विवरण
1. बी० एस०:3656:1963 मल और जल निकास के लिए ऐम्बेस्टास सीमेंट पाइप और फिटिंग की विशिष्ट		ब्रिटिश मानक संस्था 2- पार्क स्ट्रीट लन्डन-इंग्लैंड आई ए 2 बी० एस०	संस्था इस विषय पर एक भारतीय मानक तैयार करने जा रही है। जैसे ही यह भारतीय मानक तैयार हो जाएगा ब्रिटिश मानक को भी गई मान्यता वापस ले ली जाएगी।

इस मानक की प्रतियाँ बिस्वी के लिए, भारतीय मानक संस्था मानक भवन, 9-बहादुरशाह जफर मार्ग, नई दिल्ली-1 और उसके शाखा कार्यालयों अहमदाबाद, बंगलौर, बम्बई, कलकत्ता, हैदराबाद, कानपुर और मद्रास से प्राप्त की जा सकती हैं।

[स० सी०एस०बी०/13:6]

आई० एस० सेक्रेटरी, कार्य महानिदेशक

New Delhi, the 17th April, 1973

**S. O. 1197.**—In pursuance of sub-regulation (3) of regulation 3A of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that it recognizes the British Standard BS: 3656:1963 the particulars of which are given in the Schedule hereto annexed as an Indian Standard. The recognized standard has been designated as IS 6908—Specification for asbestos cement pipes and fittings for sewerage & drainage.

## SCHEDULE

Sl. No.	Number and Title of the Recognised Standard	Name and Address of the Organi- zation which Prepared and Established the Standard	Remarks
1.	B.S. 3656:1963 Specification for asbestos cement pipes and fittings for sewerage and drainage	British Standards Institution 2. Park Street, London W1A 2BS	This Institution has taken steps to prepare an Indian standard on the subject. As soon as the Indian Standard is established recognition given to this British Standard would be withdrawn.

Copies of this Standard are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9, Bahadurshah Zafar Marg, New Delhi-1 and also its Branch Offices located at Ahmedabad, Bangalore, Bombay, Calcutta, Hyderabad, Kanpur & Madras.

[No. CMD/13:6]

Y. S. VENKATESWARAN, Director General

**पर्यटन और नागर विमानन मंत्रालय**

नई दिल्ली, 31 मार्च, 1973

का. आ. 1198.—अंतर्राष्ट्रीय विमान पत्तन प्राधिकारी अधिनियम 1971 (1971 का 43) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार एतद्द्वारा पर्यटन विभाग में पर्यटन के अतिरिक्त महा निदेशक, श्री बी. एस. गिह्यानी को श्री बी. एन. रामन् के स्थान पर तत्काल भारतीय अंतर्राष्ट्रीय विमान पत्तन प्राधिकारी का अंशकालिक सदस्य नियुक्त करती है।

[सं. ए-11013/8/71-प्रशासन]

टी. आरुमुगम्, उप सचिव

**MINISTRY OF TOURISM AND CIVIL AVIATION**

New Delhi, the 31st March, 1973

S.O. 1198.—In exercise of the powers conferred by section 3 of the International Airports Authority Act 1971, (43 of 1971), the Central Government hereby appoints Shri B. S. Gidwani, Additional Director General of Tourism, Department of Tourism, as a part-time Member of the International Airports Authority of India, with immediate effect, vice Shri B. N. Raman.

[No. A-11013/8/71-Adm.]

T. ARUMUGHAM, Dy. Secy.

**सिंचाई और विद्युत मंत्रालय**

नई दिल्ली, 23 मार्च, 1973

का. आ. 1199.—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 80 की उपधारा (2) और (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के सिंचाई और विद्युत मंत्रालय की अधिसूचना सं. का. आ. 3507 तारीख 1 अक्टूबर, 1967 को अधिग्रहित करते हुए, केन्द्रीय सरकार, उत्तरवर्ती राज्यों और राजस्थान राज्य की सरकारों से परामर्श करके व्यास सन्निर्माण बोर्ड (जिसे इसमें इसके पश्चात् बोर्ड कहा गया है) का गठन एतद्द्वारा करती है, जिसमें निम्नलिखित व्यक्ति हैं, अर्थात् :—

**अध्यक्ष**

- (1) सिंचाई और विद्युत मंत्री, भारत सरकार।

**सदस्य**

- (2) पंजाब, हरियाणा, हिमाचल प्रदेश और राजस्थान राज्यों के मुख्य मंत्री।
- (3) पंजाब, हरियाणा, हिमाचल प्रदेश और राजस्थान के प्रत्येक राज्य में से अपनी-अपनी सरकार द्वारा नाम निर्दिष्ट एक मंत्री।
- (4) सिंचाई और विद्युत उपमंत्री, भारत सरकार।
- (5) सचिव, भारत सरकार, सिंचाई और विद्युत मंत्रालय।
- (6) अध्यक्ष, केन्द्रीय जल और विद्युत आयोग।
- (7) संयुक्त सचिव, भारत सरकार, विस्त मंत्रालय (व्यय विभाग)।
- (8) पंजाब, हरियाणा और राजस्थान सरकारों के सिंचाई और विद्युत के भारसाधक सचिव।

- (9) राजस्थान सरकार का उपनिवेशन का भारसाधक सचिव और व्यास परियोजना का भारसाधक सचिव।
- (10) पंजाब, हरियाणा और राजस्थान सरकारों के विस्त का भारसाधक सचिव।
- (11) वित्तीय आयुक्त एवं सचिव, राजस्व विभाग, हिमाचल प्रदेश।
- (12) महाप्रबन्धक, व्यास परियोजना।
- (13) पंजाब, हरियाणा, हिमाचल प्रदेश और राजस्थान के राज्य विद्युत बोर्डों के अध्यक्ष।
- (14) पंजाब, हरियाणा के मुख्य इन्जीनियर (सिंचाई) और राजस्थान नहर परियोजना के मुख्य इन्जीनियर।
- (15) पंजाब, हरियाणा, हिमाचल प्रदेश और राजस्थान के राज्य विद्युत बोर्डों के तकनीकी सदस्य।
- (16) व्यास सतलज लिंक और व्यास बांध परियोजना के मुख्य इन्जीनियर।
- (17) मुख्य इन्जीनियर विद्युत संकर्म व्यास परियोजना, और
- (18) वित्तीय सलाहकार और मुख्य लेखा अधिकारी, व्यास परियोजना

और बोर्ड के निम्नलिखित कृत्य समनुपशित करती हैं, अर्थात् :—

(क) व्यास परियोजना (जिसे इसमें इसके पश्चात् परियोजना कहा गया है) का दृष्टता पूर्ण और मितव्ययी रूप से तथा शीघ्र रीति से सन्निर्माण, जिसमें पहले से ही प्रारम्भ किए गए किसी कार्य का पूरा किया जाना सम्मिलित है, किन्तु भाखड़ा राइट बैंक पावर हाउस पर 120 मंगावाट क्षमता का पाचवां उत्पादक एकक सम्मिलित नहीं है, और

(ख) परियोजना से संबंधित अन्य सभी कृत्य, जिसमें निम्नलिखित सम्मिलित हैं :—

- (1) परियोजना प्राक्कलनों की संवीक्षा और उसमें कोई उपान्तर करना और केन्द्रीय सरकार के प्रशासनीक अनुमोदनार्थ प्राक्कलनों की सिफारिश करना ;
- (2) तकनीकी और वित्तीय दोनों प्रकार की ऐसी शक्तियों का, जो बोर्ड आवश्यक समझे, महाप्रबन्धक और परियोजना के पूरा होने पर नियोजित अन्य अधिकारियों को प्रत्यायोजन।
- (3) परियोजना के विभिन्न भागों के सन्निर्माण का विनियमन और सिंचाई और विद्युत प्रसुविधाओं के शीघ्र उपयोग के लिये एक अवस्थाबद्ध कार्यक्रम की संधारी,
- (4) संधरण क्षेत्रों की बाबत मृदा संरक्षण के यथोचित उपायों की संबंधित सरकारों को सिफारिश करना।
- (5) मत्स्यपालन के विकास के लिए यथोचित उपायों की संबंधित सरकारों को सिफारिश करना।
- (6) परियोजना व सन्निर्माण के परिणामस्वरूप विस्थापित व्यक्तियों के पुनर्वास के लिए यथोचित उपायों का भार अपने ऊपर लेना।

(ग) कोई अन्य कृत्य जो केन्द्रीय सरकार द्वारा बोर्ड को प्रत्यायोजित किया जाए।

2. बोर्ड का एक सचिव होगा जिसके लिए ऐसे कर्मचारिवृन्द की व्यवस्था की जाएगी जो उसके इस प्रकार के कृत्यों के दक्ष निर्वहन के लिये आवश्यक हों, और सचिव का कार्यालय नई दिल्ली में स्थित होगा।

3. बोर्ड ऐसे कर्मचारिवृन्द की जो (पैरा 2 में निर्दिष्ट कर्मचारिवृन्द और महाप्रबन्धक व्यास परियोजना से भिन्न हों) जो उसके कृत्यों के दक्ष निर्वहन के लिये आवश्यक हों, नियुक्त कर सकेगा।

[फा. सं. 17/128/67-बी एण्ड बी-भाग 2]

बी. एस. बंसल, संयुक्त सचिव

## MINISTRY OF IRRIGATION AND POWER

New Delhi, the 23rd March, 1973

S.O. 1199.—In exercise of the powers conferred by sub-Sections (2) and (3) of Section 80 of the Punjab Reorganisation Act, 1966 (31 of 1966) and in supersession of the notification of the Government of India in the Ministry of Irrigation and Power No. S. O. 3507, dated the 1st October, 1967, the Central Government, in consultation with the Governments of the successor States and the State of Rajasthan, hereby constitutes the Beas Construction Board (hereinafter referred to as the Board) consisting of the following persons, namely:—

### CHAIRMAN

- (1) The Minister of Irrigation and Power, Government of India.

### MEMBERS

- (2) The Chief Ministers of the States of Punjab, Haryana, Himachal Pradesh and Rajasthan;
- (3) One Minister each from the States of Punjab, Haryana, Himachal Pradesh and Rajasthan to be nominated by the respective Governments;
- (4) The Deputy Minister of Irrigation and Power, Government of India;
- (5) The Secretary to the Government of India, Ministry of Irrigation and Power;
- (6) The Chairman, Central Water and Power Commission;
- (7) The Joint Secretary to the Government of India, Ministry of Finance (Department of Expenditure);
- (8) The Secretaries in charge of Irrigation and Power of the Governments of Punjab, Haryana and Rajasthan;
- (9) The Secretary in charge of Colonisation and the Secretary in charge of the Beas Project of the Government of Rajasthan;
- (10) The Secretary in charge of Finance of the Governments of Punjab, Haryana and Rajasthan;
- (11) The Financial Commissioner-cum-Secretary, Revenue Department, Himachal Pradesh;
- (12) The General Manager, Beas Project;
- (13) The Chairman State Electricity Boards of Punjab, Haryana, Himachal Pradesh and Rajasthan;
- (14) The Chief Engineers (Irrigation) of Punjab and Haryana and the Chief Engineer, Rajasthan Canal Project;
- (15) The Members Technical, State Electricity Boards of Punjab, Haryana, Himachal Pradesh and Rajasthan;
- (16) The Chief Engineers of Beas Sutlej Link and Beas Dam Project;

(17) The Chief Engineer, Electrical Works, Beas Project; and

(18) The Financial Adviser and Chief Accounts Officer, Beas Project.

and assigns to the Board the following functions, namely:—

- (a) the construction, in an efficient, economical and expeditious manner, of the Beas Project (hereinafter referred to as the Project) including the completion of any work already commenced, but excluding the fifth generating unit of 120 M. W. capacity at Bhakra Right Bank Power House, and
- (b) all other functions in relation to the Project, including:—
  - (i) scrutiny of the Project estimates and making of any modification thereto and recommending the estimates for the administrative approval of the Central Government.
  - (ii) delegation of such powers, both technical and financial, as the Board may deem necessary, to the General Manager and other officers employed on the execution of the Project;
  - (iii) regulation of the construction of different parts of the Project and preparation of a phased programme of early utilisation of irrigation and power benefits;
  - (iv) recommending to the concerned Governments suitable soil conservation measures in respect of the catchment areas;
  - (v) recommending to the concerned Governments suitable measures for the development of pisciculture;
  - (vi) undertaking of suitable measures for the rehabilitation of persons displaced consequent on the construction of the project;
- (c) any other function that may be delegated to the Board by the Central Government.

2. The Board shall have a Secretary who may be provided with such staff as may be necessary for the efficient discharge of his functions as such, and the office of the Secretary shall be located at New Delhi.

3. The Board may appoint such staff (other than that referred to in paragraph 2 and the General Manager, Beas Project) as may be necessary for the efficient discharge of its functions.

[File No. 17/128/67-B & B (Vol. II)]

B. S. BANSAL, Joint Secy.

भ्रम और पुनर्वास मंत्रालय  
(भ्रम और रोजगार विभाग)

आवृत्ति

नई दिल्ली, 9 मार्च, 1973

का. आ. 1200.—यत्तः केन्द्रीय सरकार की राय है कि इससे उपायध्व अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स नेशनल कोल डेवलपमेंट कारपोरेशन लि. की स्वांग कालियरी, डाकघर स्वांग, जिला हजारीबाग के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है,

और यत्तः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद का न्यायनिर्णयन के लिए निर्देशित करती है।

### अनुसूची

मजदूरी बोर्ड की सिफारिशों, जैसी कि वे भारत सरकार द्वारा उनके संकल्प संख्या डब्ल्यू. बी-16(5)/66, तारीख 21 जुलाई, 1967 द्वारा स्वीकार की गई हैं, के ध्यान में रखते हुए, क्या नेशनल कोल डेवलपमेंट कारपोरेशन लि. के प्रबन्धतंत्र का श्री एन. टी. वर्गी केन-चालक एक्-मैकेनिकों, जो कि इस समय स्वांग कोलियरी, डाकघर स्वांग, जिला हजारीबाग में नियोजित हैं, पुराने वेतनमान (205-280 रु.) के स्थान पर 15 अगस्त, 1967 से नया वेतनमान (245-440 रु.) देना न्यायोचित है? यदि नहीं तो उनके मामले में समुचित वेतनमान क्या होना चाहिए और वह किस तारीख से होना चाहिए।

[सं. एल/20012/143/72-एल. आर.-2]

### MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

### ORDER

New Delhi, the 9th March, 1973

S.O. 1200.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Sawang Colliery of Messrs National Coal Development Corporation Limited, Post Office Sawang, District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2), Dhanbad, constituted under section 7A of the said Act.

### SCHEDULE

Keeping in view the recommendations of the Wage Board as accepted by the Government of India in their Resolution No. WB-16(5)/66, dated the 21st July, 1967, whether the management of National Coal Development Corporation Limited, is justified in offering the new scale of pay (Rs. 245-440) in place of the old one (Rs. 205-280) from the 15th August, 1967 to Shri N. T. Verghese, Crane Operator-cum-Mechanic, presently employed at the Sawang Colliery, Post Office Sawang, District Hazaribagh? If not, what should be the appropriate scale of pay in his case and from what date?

[No. L-20012/143/72-LR-II]

New Delhi, the 13th April, 1973

S.O. 1201.—In pursuance of section 1 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of East Angarpatra Colliery under Messrs Bharat Coking Coal Limited, Post Office Katrasgarh, District Dhanbad and their workmen, which was received by the Central Government on the 7th April, 1973.

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

#### Present :

Shri Nandagiri Venkata Rao, Presiding Officer.

#### Reference No. 8 of 1972

In the matters of an industrial dispute under S. 10(1)(d) of the Industrial Disputes Act, 1947.

#### Parties :

Employers in relation to the Management of East Angarpatra Colliery under Messrs Bharat Coking Coal Limited, Post Office Katrasgarh, District Dhanbad.

AND

Their workmen.

#### Appearances :

On behalf of the employers in relation to the Management of East Angarpatra Colliery—Shri S. S. Mukherjee, Advocate.

And

Bharat Coking Coal Ltd.

On behalf of the workmen.—Shri B. N. Singh, Advocate, Member, Central Executive Committee, Colliery Mazdoor Sangh, Dhanbad.

State : Bihar.

Industry : Coal.

Dhanbad, the 4th April, 1973.

### AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of East Angarpatra Colliery, under Messrs Bharat Coking Limited, Post office Katrasgarh, District Dhanbad and their workmen, by its order No. L/2012/61/72-LR. II dated 14th November, 1972 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:

### SCHEDULE

"Whether the claim of the workman Shri Gafur Mia, that the management of East Angarpathra Colliery of Messrs Bharat Coking Coal Limited, Post Office Katrasgarh, District Dhanbad, stopped from work as Cap Lamp Mistry with effect from the 3rd November, 1971, is justified? If so, to what relief is the workman entitled?"

2. On 30th March, 1973 Shri B. N. Singh, Advocate, representing the workmen and Shri S. S. Mukherjee, Advocate, representing the employers and Bharat Coking Coal Ltd. filed a compromise memo and verified the contents as correct. Having gone through the compromise memo I find its terms as favourable to the workmen in general and the affected workman in particular. The compromise is, therefore, accepted and the award is made in terms of the compromise. The compromise memo is annexed herewith and made part of the award. The award is submitted under S. 15 of the Industrial Disputes Act, 1947.

N. VENKATA RAO, Presiding Officer

BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

Reference No. 8 of 1972

**Parties :**

Employers in relation to East Angarpathra Colliery  
AND

Their Workmen

**MEMORANDUM OF SETTLEMENT**

All the parties in the present proceedings have amicably settled the dispute involved in the present Reference on the terms hereinafter stated:

- (1) That Shri Gafur-Mia (Cap Lamp Mistri), the workman concerned in the present Reference has already been reinstated by the Management of East Angarpathra Colliery from 25th December, 1972 without any back wages. He has been placed in Cat-IV (Four) of the Central Wage Board (Coal Mining Industry). On the basic wage rate of Rs. 6.90 (Rupees Six and paise ninety) per day with effect from the said date.
- (2) That the period intervening from the date of stoppage of work (which gave rise to the present Reference) till the aforesaid date of resumption of duty shall, for the purpose of continuity of services, be treated as leave without pay.
- (3) Shri B. N. Singh, Member, Central Executive Committee, Colliery Mazdoor Sangh, will be paid a sum of Rs. 150 (Rupees One Hundred-fifty) as cost of proceedings.
- (4) The above terms finally resolve the dispute between the parties and therefore there is no subsisting dispute for adjudication in the present Reference.

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to accept this Settlement and to give its Award in terms thereof.

For the Employer

For the Workmen

Sd/- Illegible

Manager  
East Angarpathra Colliery.

B. N. SINGH, Member,  
Central Executive Committee,  
Colliery Mazdoor Sangh,  
Dhanbad.

For Bharat Cocking Coal Limited

J. N. P. SAHI,

Labour and Law Adviser.

[No. L-2012/65/72-I.R-II]

Dated, the 27th March, 1973.

**S.O. 1292.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on the 10th April, 1973.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY.

Reference No. CGIT-2/11 of 1971

Employers in relation to the Central Bank of India

AND

Their Workmen

**Present :**

Shri N. K. Vani, Presiding Officer.

**Appearances :**

For the Employers—Shri G. R. Sheikh, Asst. Law Officer.

For the workmen—Shri A. M. Puranik, Vice-President and Shri S. P. Chaudhuri, President.

State : Maharashtra

Industry : Banking

Bombay, the 14th March, 1973.

**AWARD**

By order No. L-12012/85/71/LR-III dated 17-11-1971 the Central Government in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-clause (1) of Section 10 of the I.D. Act, 1947 (14 of 1947) referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the Central Bank of India and their workmen in respect of the matter specified in the Schedule as mentioned below:—

**SCHEDULE**

"Whether the demands of the Vidarbha Bank Employees Federation that Sarvashri M.S. Shinde and N.G. Jadhao, formerly peons at Akot Branch of Central Bank of India should be reinstated and absorbed in the permanent service of the Bank were justified? If so, to what reliefs are the workmen entitled?"

- (i) The Central Bank of India opened new branch at Akot in Akola District on 28-6-1970. S/Shri M. S. Shinde and N.G. Jadhao were appointed as temporary peons on 26-6-1970 and 28-6-1970 respectively. Their services were terminated by the Bank with effect from the close of business on 1-12-1970. Hence the President of the Vidarbha Bank Employees' Federation raised an industrial dispute by his letter No. VB/21/71 dated 15-6-1971 regarding wrongful terminations of S/Shri M. S. Shinde and N. G. Jadhao before the Asstt. Labour Commissioner (C), Nagpur. The Asstt. Labour Commissioner (C), Nagpur tried to bring about conciliation between the parties but in vain. He, therefore, submitted his failure of conciliation report to the Government of India. On account of this, the present dispute has been referred to this Tribunal by the Government of India for adjudication.

2. The facts giving rise to this reference are as follows:

3. On the receipt of the reference notices were issued to the parties to file their written statements.

4. In pursuance of the notice, the parties appeared before me and filed their written statements.

5. The President, Vidarbha Bank Employees Federation, Nagpur (hereinafter referred to as the Federation) has filed written statement as Ext.1/W on behalf of the employees.

6. According to the President of the Federation:—

- (i) S/shri Shinde and Jadhao were appointed as peons in the newly opened branch of the Bank at Akot in the permanent vacancies with effect from 26-6-1970 and 28-6-1970 respectively. The Bank on order to circumvent the provisions of Bank Awards and Bipartite settlement issued orders of appointment for one month every time and used to extend the same even though the Bank was aware that the posts were permanent.

(ii) The Bank with a ill-motive served a notice of termination on 12-10-1970 to Shri M. S. Shinde and terminated the permanent services of Shri Shinde on 25-10-1970 after a period of continuous 4 months service. Shri N. G. Jadhao's services were also illegally terminated on 27-10-1970 after a continuous period of 4 months service. The breaks in service given by the Bank were as under:—

(1) Shri M. S. Shinde—26-10-70 to 1-11-70—7 days.

(2) Shri N. G. Jadhao—28-10-70 to 1-11-70—5 days.

Both the workmen were re-appointed on 2-11-1970 at the same Akot branch for a period of one month. Again the Bank served a notice of termination on 17-11-70 to the said workmen and terminated the Services illegally on 1-12-70. Again the two workmen were re-appointed at newly opened branch at Chikhali on 21-1-71 for a period of one month which was extended by the Bank for a period of one month till 23-3-71. Since then no further extension orders have been issued by the Bank. Both Shri Shinde and Jadhao are working at Chikhali branch since 21-1-1971 continuously in a permanent vacancy as peons. The Bank in order to deprive them of the benefits of confirmation did not issue orders of confirmation or did not even release their increments, provident fund benefits etc. These workmen have put in more than 11 months continuous service at Chikhali Branch. They had put in five months service at Akot branch.

(iii) The work, conduct and behaviour of the workmen during the period of service were satisfactory. The Bank has issued certificate on 25-11-70 and 24-12-70 in favour of Shri Shinde and the Bank's action in terminating the services on 25-10-1970 of Shri M.S. Shinde and on 27-10-1970 of Shri N. G. Jadhao and on 1-12-1970 of both were illegal and in contravention of Awards and Bipartite settlement. The Bank has further contravened the provisions of the Industrial Disputes Act as they failed to comply with the procedure for retrenchment of employees as provided for in the said Act.

(iv) After the termination of services of S/shri Shinde and Jadhao the Bank recruited fresh hands in the Akot branch in the same post. The intention of the Bank in doing so was to treat the workmen as temporary in a permanent post and prohibit them from completion of 6 months period when they are entitled to confirmation as per provisions of the Bank Awards. Hence the orders issued treating the workmen as temporary were wrong and ill-motivated. Both the workmen ought to have been appointed as probationers as the posts were permanent.

(v) On the allegations mentioned above it is prayed, that:—

(1) S/Shri M. S. Shinde and N.G. Jadhao be reinstated in the Bank's service with effect from 26-10-70 and 28-10-1970 respectively.

(2) S/shri Shinde and Jadhao be declared as confirmed employees after a period of six months service from the date of appointment at Akot branch i.e. 25-6-70 and 28-6-1970 respectively.

(3) The Bank be directed to pay and implement all benefits of confirmation to the said workmen as per provisions of Bank Awards and Bipartite settlement.

(4) The workmen be granted back wages for the period as under:—

M. S. Shinde : 26-10-70 to 1-11-70 and 2-12-70 to 20-1-71.

N. G. Jadhao : 28-10-70 to 1-11-70 and 2-12-70 to 20-1-71.

(5) The order of terminations served by the Bank on the above workmen as on the following dates be declared illegal and null and void :

M. S. Shinde : 12-10-70 terminating the services on 25-10-70.

17-11-70 terminating the services on 1-12-70.

N. G. Jadhao : 26-9-70 terminating the service on 27-10-70

17-11-70 terminating the service on 1-12-70.

(6) The Bank be directed to pay compensation for illegal termination of these workmen, costs and other relief.

7. The Section Officer (Legal) of the Central Bank of India, Bombay has filed written statement on behalf of the Bank at Ex. 3/E.

8. According to him:—

(i) S/shri M. S. Shinde and N.G. Jadhao were appointed at newly opened branch of Akot for a temporary period on 25-6-70. Their services were terminated at the close of business hours on 25-10-1970. During the four months service, the members were given extension in their service after the completion of one month each time. The members were again taken up on temporary appointment on 2-11-70 for the period of one month and their services were finally terminated at the close of business hours on 1-12-70.

(ii) The workmen were not appointed in a permanent vacancy. It is not true that appointment orders issued for one month every time and extended the same were to circumvent the provisions of Bank Awards and Bipartite Settlement. The vacant posts at Akot Branch, were to be filled through the appointment of candidates who appeared and passed in the written test and interview held by the Bank and conformed to the Bank's Recruitment Policy. These workmen had not appeared for any such test and interview and as such did not qualify for recruitment in the Bank, as prescribed under the Bank's Recruitment Policy.

(iii) Both these workmen have been re-appointed at the newly opened branch at Chikli on 21-1-1971 as temporary hands. Their employments were purely temporary one which was extended by an order of extension every month. They were not employed against permanent vacancies. Permanent vacancies can only be filled through selection according to the Bank's Recruitment Policy. Hence these workmen cannot claim to be confirmed in the Bank's services without having qualified as per the terms of the Recruitment Policy of the Bank.

(iv) It is not true that the foot-note on the order of 12-10-1970 served on Shri Shinde was with any malintention. It was in the ordinary course of business in reply to the Nagpur Office letter No. GID/27/3244 of 1-10-1970.

(v) The work, conduct and behaviour of Shri Shinde were satisfactory during the tenure of his service with the Bank. The Bank issued certificates on 25-11-70 and on 24-12-10 in favour of Shri Shinde. The work, conduct and behaviour of Shri Jadhao were not satisfactory.

(vi) Termination of services of Shri Shinde on 25-10-1970 and on 1-12-70 and that of Shri Jadhao on 27-10-70 and on 1-12-70 was not illegal, and in contravention of Bank Awards and Bipartite Settlement. The Bank has not violated the provisions of Industrial Disputes Act in relation to the procedure of the retrenchment.

(vii) The Bank appointed fresh hands in Akot Branch as peon after the termination of services of S/shri Shinde and Jadhao. It is not true that their services were terminated with a view to prohibit them from

completing six months of service when they would have become entitled to confirmation. The workmen are not entitled to any relief.

9. The president of the Federation has filed re-joinder at Ex. 4/W denying the allegations made against the employees in the written statement Ex. 3/E.

10. The Bank has produced documents as mentioned below :—

- (i) Intimation letter dated 13-5-72 addressed to Shri M. S. Shinde, Ex. X/E.
- (ii) Call letter dated 13-5-1973 addressed to Shri N. G. Jadhao, Ex. X/E.
- (iii) Application for recruitment to the post of peon submitted by Shri M. S. Shinde dated 20-3-72, Ex. 7/E.
- (iv) Application for recruitment to the post of peon submitted by Shri N. G. Jadhao, Ex. 8/E.
- (v) Appointment order for temporary employee dated 25-6-70 issued to Shri N. G. Jadhao, Ex. 9/E.
- (vi) Circular No. 4 of 1968 dated 6-5-1968, Ex. 10/E.
- (vii) Circular No. B.I.D./STAFF/69/6 dated 10-1-1969, regarding Recruitment of staff, Ex. 11/E.
- (viii) Circular No. PRS/72/C.O/2 dated 7-1-1972. Ex. 12/E(i).
- (ix) Circular No. PRS/71/G.O.9 dated 4-2-1971. Ex. 12/E(ii).
- (x) List of temporary sub-staff appointed in Nagpur Group from January 1970 to April 1972, Ex. 13/E.
- (xi) List of names of persons to whom call letters sent on 15-5-1972, Ex. 17/E.

11. Shri Shinde has given evidence at Ex. 14/W and Shri Jadhao at Ex. 16/W. Service certificate issued by the Agent of the Bank in favour of Shri Shinde is produced at Ex. 15/W. Service Certificates issued by Officer-in-charge and Agent of the Bank in favour of Shri N. G. Jadhao are produced at Ex. 5/W and 6/W, respectively. Alongwith written statement Ex. 1/W 20 annexures have been produced.

12. From the pleadings and documents on record the following points arise for consideration.

- (i) Whether the termination of services of Shri M.S. Shinde by the management of the Central Bank of India, with effect from the close of business of 25-10-1970 was justified?
- (ii) Whether the termination of services of Shri M. S. Shinde by the management of the Central Bank of India with effect from the close of business of 1-12-70 was justified?
- (iii) Whether Shri M. S. Shinde is entitled to reinstatement and absorption in the permanent service of the Bank?
- (iv) Whether the termination of services of Shri N. G. Jadhao, by the management of the Central Bank of India, with effect from the close of business of 27-10-1970 was justified?
- (v) Whether the termination of services of Shri N.G. Jadhao by the management of the Central Bank of India with effect from the close of business of 1-12-1970 was justified?
- (vi) Whether Shri N. G. Jadhao is entitled to reinstatement and absorption in permanent service of the Bank?
- (vii) To what relief are S/shri M.S. Shinde and N. G. Jadhao entitled?
- (viii) What order ?

13. My findings are as follows:—

- (i) No.
- (ii) No.
- (iii) Yes.
- (iv) No.
- (v) No.
- (vi) Yes.
- (vii) As mentioned in the judgement.
- (viii) As per order.

#### REASONS

Point Nos. i to vi

14. The Central Bank of India opened a new branch at Akot in Akola District on 28-6-1970. The Agent of Akot Branch appointed S/shri M. S. Shinde and N. G. Jadhao as temporary peons for a period of one month vide appointment letters dated 25-6-1970 each. Shri Shinde joined the services as peon on 26-6-1970 and Shri N. G. Jadhao joined the services as peon on 28-6-1970. Thereafter their period of temporary appointment was extended by one month under separate orders. Every month their period of appointment was extended by one month by passing separate orders. This continued till 25-10-1970 in respect of Shri Shinde and 27-10-1970 in respect of Shri Jadhao. It means that each one of them put in continuous service for more than three months.

15. 2-11-1970, the Bank issued another appointment order for giving temporary employment to Shri Shinde for a period of one month by its order dated 2-11-1970 vide annexure 14 to the written statement Ex. 1/W. By this order Shri Shinde was again appointed as temporary peon for a period of one month from 2-11-1970 to 1-12-1970. It appears that on 17-11-1970 the Bank issued memo, to Shri Shinde stating that his services would stand terminated at the close of business of 1-12-1970.

16. It appears that the Bank terminated the services of Shri N. G. Jadhao with effect from the close of business of 27-10-1970. After a break of 5 days the Bank by its appointment order dated 2-12-1970 annexure 5 to written statement Ex. 1/W appointed Shri N. G. Jadhao as temporary peon for a period of one month i.e. for the period from 2-11-1970 to 1-12-1970. The Bank by its order dated 17-11-1970 vide annexure 6 to the written statement Ex. 1/W informed Shri Jadhao that his services would stand terminated at the close of business of 1-12-1970 as per terms mentioned in his appointment order.

17. After the termination of service of Shri Shinde and Shri Jadhao from branch, the Bank appointed fresh hands as peon in their vacancies.

18. As the posts of Peon in Akot branch were permanent and as S/Shri Shinde and Jadhao were appointed in these posts temporarily they could not have been appointed in these permanent posts as temporary peons for more than three months in view of Para. 20.8 of the Bipartite Settlement.

19. Para 20.8 of the Bipartite Settlement is as follows:—

"A temporary workmen may also be appointed to fill a permanent vacancy provide that such temporary appointment shall not exceed a period of three months during which the bank shall make arrangements for filling up the vacancy permanently. If such a temporary workman is eventually selected for filling up the vacancy, the period of such temporary employment will be taken into account as part of his probationary period."

20. It is clear that the Bipartite settlement para 20.8 referred to above prohibits employment of temporary employees for a period of three months. In the present case the Bank has not made arrangement for filling up the permanent vacancy by appointing probationers but it continued temporary workmen in these vacancies beyond three months in violation of the provisions of the Bipartite Settlement.

21. Shri Puranik for the workmen contends that both the workmen were appointed as peons in permanent vacancy, that the Bank in order to circumvent the provisions of the

Bank Awards and Bipartite Settlement issued appointment orders for one month every time and used to extend the same even though the Bank was aware that the posts were permanent, that the Bank with an ill-motive served a notice of termination on 12-10-1970 on Shri M. S. Shinde and terminated the permanent services of Shri Shinde on 25-10-1970 after a period of continuous four months service. It is further contended that the Bank in order to pursue unfair labour practice employed several temporary hands in permanent vacancies and terminated their services during the last 3-4 years and that the concerned workmen Shri Shinde and Jadhao were also the victim of the Bank's unfair labour practice.

22. Shri Sheikh for the Bank on the other hand contends that the appointments of S/Shri Shinde and Jadhao were temporary and contractual as they accepted the terms and condition of service by signing the contract, that they are bound by the terms of contract and that they cannot claim anything beyond the terms of contract. What Shri Sheikh wants to say is that the termination of services of S/Shri Shinde and Jadhao by giving 14 days notice was just and proper.

23. In spite of the Bipartite Settlement paras. 20.7 to 20.11 and the circulars issued by the Hd. Office, various branches continued the practice of appointing temporary hands to fill up posts which were of permanent nature. The Bank therefore again issued circular dated 4-2-1971 produced at Ex. 12/E(ii). It is as follows:—

**"CENTRAL BANK OF INDIA**

Head Office

Mahatma Gandhi Road, Fort, Bombay-1

4th February, 1971

PRS/71/C. O. 9

(To All Controlling Branches)

Re. Appointment of Staff.

It has been brought to our notice that in several groups persons are taken up as temporary hands to fill up posts which are of a permanent nature and that such temporary hands are continued on temporary basis for unduly long periods without any justification. Your attention is invited to the provisions of paras. 20.7 and 20.8 of the first Bipartite Settlement. Temporary hands should be appointed only to meet situations envisaged in these paras of the Bipartite Settlement and if a temporary hand is taken up to fill up a permanent vacancy it should not be for more than 3 months. We, however, desire that persons taken up to fill up permanent vacancies should be taken up on probation and not on temporary basis.

In case you do not have sufficient number of hands on the waiting list of candidates eligible for appointment you should immediately arrange to hold a test for recruitment to staff, after obtaining Head Office prior approval.

Sd/-

Superintendent."

24. Even after the above mentioned circular letter the branches continued the same practice. On account of this there was again settlement produced alongwith Ex. 12/E(i). It is as follows:—

**"CENTRAL BANK OF INDIA**

Mamorandum of Settlement

Parties:—

- (1) Management of Central Bank of India represented by Mr. D. K. Contractor, Manager (Personnel).
- (2) Representing the employees Shri T. Chakravorty, General Secretary, All India Central Bank Employees Federation and Shri H. R. Jhaveri, Joint Secretary, All India Central Bank Employees Federation.

**A SHORT RECITAL OF THE CASE**

It has been pointed out by All India Central Bank Employees Federation and its affiliated units in different parts of India that in the past a number of employees in Clerical and Subordinate Cadre were kept temporary for indefinite periods and that they were taken on probation and confirmed

in Bank's service sometimes one year or two years after their initial appointments. There were also cases where employees were given temporary breaks for 2-3 days and after such periodical appointments they were subsequently taken into the Bank's permanent service. On behalf of the employees it was stressed that such employees were actually working against permanent vacancies and continuance of them in Banks temporary roll for months or years together has affected adversely their seniority, date of annual increment, leave, provident fund, gratuity and other consequential benefits. After discussions between the parties it has been agreed as under.

**TERMS OF AGREEMENT**

- (1) The employees who have been appointed in the Bank's service originally on or after 1-7-1966 and were given breaks in the service not exceeding three days excluding Sundays and Bank Holidays, will be considered as having been confirmed on the permanent staff after six months from the date of their original appointments. Such members of Clerical and subordinate staff will also be entitled to contribute towards provident fund from the date of their confirmation as per this agreement, and the due dates of their graded increments will be adjusted accordingly.
- (2) In the case of such members of the clerical and subordinate staff who were continued to be temporary beyond the period of six months prior to 1-7-1966 and not earlier than 1-1-1959 without any break will also be allowed to contribute towards provident fund, six months after the date of their original appointment and they would be treated as confirmed from the said date.
- (3) It is also agreed that the cases of the employees who were taken on temporary basis prior to 1-7-1966 and not earlier than 1-1-1959 but continued to work against permanent vacancies for more than six months will also be confirmed in service six months after the date of their original appointment and will be allowed to contribute towards provident funds as per para. (2) above.

As regards the arrears of increment or other benefits the All India Central Bank Employees Federation agreed not to claim the same. However, for the purpose of promotion, the All India Central Bank Employees Federation further agrees that while their cases for supersession will not be taken up, their names would be had included in future seniority lists, as and when drawn up, in terms of Promotion Policy Agreement. Now onwards their grade increment will fall due on the anniversary date of their original appointment.

Signed at Bombay on 23rd December, 1971."

25. It appears from the terms of agreement referred to above that the employees who have been appointed in the Bank's service originally on or after 1-7-1966 and were given breaks in the service not exceeding three days excluding Sundays and Bank holidays should be considered as having been confirmed on the permanent posts from the date of their original appointments.

26. In the present case the Bank has shown 7 days break in the service of Shri Shinde after 25-10-1970 till 2-11-1970 and 5 days break in the service of Shri N. G. Jadhao after 27-10-1970 and before 2-11-1970. Thereafter, the Bank discontinued the services of S/Shri Shinde and Jadhao on 1-12-1970 appointing other persons in their places. The Bank again appointed S/Shri Shinde and Jadhao at Chikhall with effect from 21-1-1971 where they are continuing. It appears to me from these facts that the exercise of the power of the Bank in giving breaks in the services of S/Shri Shinde and Jadhao and in terminating their services for some period before giving them job at Chikhall was with a view to circumvent the provisions of the Bipartite Settlement and that it was not exercising its powers on the basis of contract between the employees and the Bank in connection with their appointment and termination of services fairly and properly.

27. It has been observed by Shri Malhotra in his book 'The law of Industrial Disputes' regarding employer's right to discharge a workman at pages 895 and 896 on the basis of Supreme Court judgements as follows:—

"The question of the employer's freedom of contract in the context of Industrial adjudication was considered

by the Supreme Court in *Rai Bahadur Dewan Badri Das V/s. Industrial Tribunal*, reported in 1962, II, LLJ, 366. His lordship Justice Gajendragadkar speaking for the majority said 'The Doctrine of absolute freedom of contract has thus to yield to the higher claims for social justice.....the right to dismiss an employee is also controlled subject to well-recognised limits in order to guarantee security of tenure to industrial employees'. Hence in industrial law, the claim of the employer to terminate the service of his workmen under the contract of employment or in the Standing Orders by giving him a notice or by paying him wages in lieu of such notice amounts to a claim to 'hire and fire' an employee. Such claim would negative security of service which has been secured to industrial employees through industrial adjudication and the process of collective bargaining evolved from long-drawn strike.

Hence, before the action of discharge or dismissal by way of punishment for a misconduct can be taken against a workman, the employer is bound under the Standing Orders as well as on the principles of natural justice to draw up a regular proceedings against him. Furthermore even in cases of discharge of a workman under the contract of service or standing orders, the requirement of *bona fide* or *sine quo non* as *mala fide* or colourable exercise of a contractual or statutory power is not legal exercise of such power.

If under the garb of termination *simpliciter* the employer acts *mala fide* or with the intention to penalise the concerned workman, it would be colourable exercise of the power, victimization or unfair labour practice and the industrial tribunal would the jurisdiction to intervene and set aside such termination (1966, I, LLJ, page 398)".

28. In the present case the termination of services of S/Shri Shinde and Jadhao on the basis of contract of service is not just and proper because the Banks exercise of contractual power in terminating their services was colourable and not proper as the Bank has violated the provisions of the Bipartite Settlement dated 19-10-1966.

29. As the termination of services of S/Shri Shinde and Jadhao were not just, they are entitled to reinstatement in service with effect from the date of their termination of service.

30. As S/Shri Shinde and Jadhao are entitled to reinstatement from the dates of their termination of service, the result would be that they would be deemed to be in continuous service with effect from their original appointments i.e. 26-6-1970 and 28-6-1970 respectively.

31. Shri Puranik contends that S/Shri Shinde and Jadhao should be absorbed in permanent service of the Bank as they have each completed more than 6-months continuous service in the Bank and because their conduct was found satisfactory during the period of their service with the Bank.

32. There are two certificates dated 25-11-1970 and 24-12-1970 issued in favour of Shri M. S. Shinde produced as annexure 18 and 18-A to the written statement Ex. 1/W. It is clear from this certificate that his work was found satisfactory. Even the Bank admits in its written statement Ex. 3/E para. 7 that work, conduct and behaviour of Shri Shinde was satisfactory during the tenure of his service with the Bank.

33. As regards Shri Jadhao, two certificates Ex. 5/W and 6/W dated 24-12-1970 and 25-11-1970 respectively show that his work was also found satisfactory. The Bank however contends in Ex. 3/E, para 7 that the work, conduct and behaviour of Shri Jadhao were not satisfactory. The Bank has not adduced any evidence in this respect. In view of the certificates issued by the Agent and Officer-in-charge it is now open to the Bank to say that the work, conduct and behaviour of Shri Jadhao during the tenure was not satisfactory. I am satisfied from these certificates that his work was satisfactory. 8 G of I/73-4.

34. Shri Puranik relies on term No. 1 in the agreement produced at Ex. 12/E (i) referred to above. It is clear that on the basis of this agreement that these two employees would be considered as having been confirmed on the permanent staff after six months service from the dates of their original appointments. It means that Shri Shinde would be deemed to have been confirmed on the permanent staff with effect from 26-12-1970 and Shri Jadhao with effect from 28-12-1970.

35. Shri Sheikh contends that these two workmen were called for interview but they did not remain present and on account of this they are not entitled to be absorbed in permanent vacancies.

36. Both these workmen in their evidence before me say that they were not called for test or interview by the Bank. The Bank has produced a list at Ex. 17/E showing to whom the calls for interview were sent by post under Certificate of Posting. In this list Shri M. S. Shinde's name appears at S. No. 34 and Shri Jadhao's name at S. No. 37. This list will only show that letters were posted in the post office concerned but there is convincing material before me to hold that these two calls were received by these two workmen. If the calls would have been sent by registered post, there would have been acknowledgement receipt and the matter would have been different. In the absence of convincing evidence, it cannot be positively said that the employees had received the calls.

37. In short, I am convinced from the facts and material on record that S/Shri Shinde and Jadhao are entitled to be absorbed in the permanent services of the Bank.

#### Point No. vii

38. The next point is to what reliefs are S/Shri Shinde and Jadhao entitled.

39. In the first place as their termination of services was not justified, they are entitled to reinstatement with effect from the dates of termination of their services. They are also entitled to absorption in the permanent service of the Bank.

40. As regards Shri Shinde he will be entitled to wages and other benefits admissible to him for the period from 26-10-1970 to 1-11-1970 and for the period from 2-12-1970 till 20-1-1971 and Shri Jadhao is entitled to wages and other benefits admissible to him for the period from 28-10-1970 to 1-11-1970 and for the period from 2-12-1970 till 20-1-1971.

#### Point No. viii

41. For the reasons given above I hold that the demands of the Vidarbha Bank Employees' Federation that Sarvashri M. S. Shinde and N. G. Jadhao, formerly peons at Akot Branch of Central Bank of India should be reinstated and absorbed in the permanent service of the Bank are justified and that these two employees are entitled to reinstatement and absorption in permanent service and arrears of wages for the periods mentioned above. In the end I pass the following order:

#### ORDER

- (i) It is hereby declared that the demands of the Vidarbha Bank Employees' Federation that Sarvashri M. S. Shinde and N. G. Jadhao, formerly peons at Akot Branch, of Central Bank of India should be reinstated and absorbed in the permanent service of the Bank were justified and that S/Shri Shinde and Jadhao are entitled to reinstatement and absorption in the permanent service of the Bank.
- (ii) The Bank is directed to reinstate S/Shri M. S. Shinde and Jadhao and give them continuity of service with effect from the dates of completion of six months' service after the dates of their original appointments and to give them wages for the periods mentioned in the judgement as above.
- (iii) Award is made accordingly.
- (iv) Parties to bear their own costs.

[No. L-12012/85/71/LR-III]

N. K. VANI, Presiding Officer

New Delhi, the 17th April, 1973

**S.O. 1203.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Bejdih Unit (Methani Colliery) of Messrs Equitable Coal Company Limited, Post Office Sunderchak, District Burdwan and their workmen, which was received by the Central Government on the 10th April, 1973.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL.  
CALCUTTA**

**Reference No. 56 of 1972**

**Parties :**

Employers in relation to the management of Bejdih Unit (Methani Colliery) of Messrs Equitable Coal Company Limited,

**AND**  
Their Workmen.

**Present :**

Shri S. N. Bagchi—Presiding Officer.

**Appearances :**

On behalf of Employers—Shri Manoj Kumar Mukherjee, Advocate with Shri A. K. Mathur, O. S. D. (Administration) Area No. 1.

On behalf of Workmen—Absent

State : West Bengal

Industry : coal Mine

**AWARD**

By Order No. L/19012/45/72-LR-II, dated 22nd September, 1972, the Government of India, in the Ministry of Labour, and Rehabilitation, Department of Labour and Employment, referred the following industrial dispute existing between the employers in relation to the management of Bejdih Unit (Methani Colliery) of Messrs Equitable Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:

“Whether the demand of the Union for placement of Shri Kalika Singh, Cash Peon of Bejdih Unit (Methani Colliery) of Messrs Equitable Coal Company Limited, Post Office Sundarchak, District Burdwan, in Grade ‘F’ of the Wage Board Recommendations for Coal Mining Industry as accepted by the Government, is justified? If so, to what relief is the workmen concerned entitled and from what date?”

2. When the case was called out for hearing to-day Shri Manoj Kumar Mukherjee, Advocate appearing for the Employers stated that the parties have settled the dispute outside the court and this Tribunal need not adjudicate upon the reference. In view of the circumstances stated above, a ‘no dispute’ Award is passed in the matter.

S. N. BAGCHI, Presiding Officer

[No. L-19012/45/72-LR-II]

नई दिल्ली, 17 अप्रैल, 1973

का. आ. 1204 [पी डब्ल्यू ए/सचिव-15/(1) रेलवे/खाने/तैलक्षेत्र/ए/सी/एस/72].—मजदूरी संदाय अधिनियम, 1936 (1936 का 4) की धारा 24 के साथ पीठित धारा 15 की उपधारा (1) द्वारा प्रदत्त शीक्षकों का प्रयोग करते हुए केंद्रीय सरकार एतद्वारा, श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) में भारत सरकार के का. आ. 2867, दिनांक 3 जुलाई, 1972 को, जो भारत के राजपत्र के भाग 2, खण्ड 3, उपखण्ड (2), दिनांक 21 अक्टूबर, 1972 में प्रकाशित हुआ रद्द करती है।

[संख्या एस-31012/9/72-एल.आर.-3]

कनैल सिंह, अवर सचिव

**S.O. 1204.**—[PWA/Sect. 15/(1) Railways/Mines/Oil fields/ATS/72].—In exercise of the powers conferred by sub-Section (1) of Section 15, read with Section 24, of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S. O. 2867, dated the 3rd July, 1972, published in Part II, Section 3, sub-Section (ii) of the Gazette of India, dated the 21st October, 1972.

[No. S. 31012/9/72/LR-III]

**S.O. 1205.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Jamuria A/B Pits Colliery of Messrs Equitable Coal Company Limited, Post Office Nandi, District Burdwan and their workmen, which was received by the Central Government on the 10th April, 1973.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA**

**Reference No. 59 of 1972**

**Parties :**

Employers in relation to the management of Jamuria A/B Pits Colliery of Messrs Equitable Coal Company Limited,

**AND**  
Their Workmen.

**Present :**

Shri S. N. Bagchi—Presiding Officer.

**Appearances :**

On behalf of Employers—Shri Manoj Kumar Mukherjee, Advocate.

On behalf of workmen—Absent

State : West Bengal

Industry : Coal Mine

**AWARD**

By Order No. L-19012/87/72-LR-II, dated 12th October, 1972, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following industrial dispute existing between the employers in relation to the management of Jamuria A/B Pits Colliery of Messrs Equitable Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely :

“Keeping in view the nature of duties performed by Shri Lakhan Prasad, Fitter of Jamuria A/B Pits Colliery of Messrs Equitable Coal Company Limited, Post Office Nandi, District Burdwan, Whether the demand of the workmen for his placement in Grade ‘B’ of Engineering Department and designating him as Head Fitter as per recommendations of the Wage Board for Coal Mining Industry is justified? If so, to what relief is the workmen entitled and from what date?”

2. When the case was called out for hearing to-day Shri Manoj Kumar Mukherjee, Advocate, appeared on behalf of the employer but nobody appeared on behalf of the workmen nor the workmen himself is present. There is no proper authorisation from the workmen to the union and as such the Union was directed by the Tribunal to file a proper authority along with a copy of the written statement already filed unauthorisedly. No action was taken by the union in this regard. In view of the facts stated above, the tribunal presumes that there exists no dispute in the matter and as such a “no dispute” award is passed.

S. N. BAGCHI, Presiding Officer

[No. L-19012/87/72-LR-II.]

KARNAIL SINGH, Under Secy.

**का. आ. 1206.**—डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 5-क की उपधाराओं (1), (3) और (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का. आ. 5385 तारीख 18 दिसम्बर, 1972 के क्रम में केन्द्रीय सरकार एतद्द्वारा श्री पी. सी. मित्रा, अध्यक्ष, कलकत्ता पत्तन आयुक्त को कलकत्ता गोदी श्रम बोर्ड सदस्य के रूप में नियुक्त करती है और उन्हें 11 जनवरी, 1973 से शुरू करके 13 जनवरी, 1973 तक और सम्मिलित करके और आगे अवधि के लिए उक्त बोर्ड के अध्यक्ष के रूप में मनोनीत करती है।

[संख्या 53/23/67-फैक-2/पी. एण्ड डी. (1)]

श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या 53/23/67-फैक-2/पी. एण्ड डी. (1) के साथ संलग्न व्याख्यात्मक ज्ञापन

श्री के. के. रे के स्थान पर, जिन्हें छुट्टी मंजूर की गई, श्री पी. सी. मित्रा, उपाध्यक्ष, कलकत्ता पत्तन आयुक्त, कलकत्ता को 11 दिसम्बर, 1972 से 10 जनवरी, 1973 तक कलकत्ता गोदी श्रम बोर्ड के सदस्य के रूप में नियुक्त किया गया और उक्त बोर्ड का अध्यक्ष नामांकीर्षित किया गया। श्री रे ने 11 जनवरी, 1973 से 13 जनवरी, 1973 तक की अवधि के लिए अपनी छुट्टी बढ़ा ली। श्री पी. सी. मित्रा को 11 जनवरी, 1973 से 13 जनवरी, 1973 तक और इसी सम्मिलित करके और आगे अवधि के लिए कलकत्ता गोदी बोर्ड, कलकत्ता के सदस्य और अध्यक्ष के रूप में नियुक्त किया जा रहा है। श्री पी. सी. मित्रा की नियुक्ति को इस प्रकार का भूतलक्षी प्रभाव देने से किसी प्रकार तीसरे व्यक्ति के हित पर कोई कृपभाव नहीं पड़ेगा।

**S.O. 1206.**—In exercise of the powers conferred by sub-Sections (1), (3) and (4) of Section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S. O. 5385, dated the 18th December, 1972, the Central Government hereby appoints Shri P. C. Mitra, Chairman, Calcutta Port Commissioners as a member of the Calcutta Dock Labour Board and nominates him as Chairman of the said Board for a further period commencing from the 11th January, 1973 upto and inclusive of the 13th January, 1973.

[No. 53/23/67-Fac. II/P&D(ii)]

**Explanatory Memorandum to be appended to the Ministry of Labour and Rehabilitation (Department of Labour and Employment) Notification No. 53/23/67-Fac. II/P&D (I).**

Shri P. C. Mitra, Deputy Chairman Calcutta Port Commissioners, Calcutta was appointed as a member of the Calcutta Dock Labour Board and nominated Chairman of the said Board with effect from the 11th December, 1972 to the 10th January, 1973 vice Shri K. K. Ray granted leave. Shri Ray extended his leave for the period 11th January, 1973 to the 13th January, 1973. Shri P. C. Mitra is being appointed as a member and Chairman of the Calcutta Dock Labour Board, Calcutta for a further period commencing from the 11th January, 1973 and upto and inclusive of the 13th January, 1973. No third person's interest would be adversely affected by giving such retrospective effect to the appointment of Shri P. C. Mitra.

नई दिल्ली, 13 अप्रैल, 1973

**का. आ. 1207.**—डाक कर्मकार (नियोजन का विनियमन), अधिनियम, 1948 (1948 का 9) की धारा 5-क की उपधाराओं (1), (3) और (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री के. के. रे को 14 जनवरी, 1973 से श्री पी. सी. मित्रा के स्थान पर कलकत्ता गोदी श्रम बोर्ड के सदस्य के रूप में नियुक्त करती है और भारत सरकार के भूतपूर्व श्रम मंत्रालय की

अधिसूचना संख्या का. नि. आ. 2316 दिनांक 8 अक्टूबर, 1956 में और आगे निम्नलिखित संशोधन करती है अर्थातः—

उक्त अधिसूचना में "केन्द्रीय सरकार का प्रतिनिधित्व करने वाले सदस्य" शीर्षक के अन्तर्गत महुद (1) से सम्बन्धित प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थातः—

"(1) श्री के. के. रे, अध्यक्ष, कलकत्ता पत्तन आयुक्त, कलकत्ता",

(2) पैराग्राफ में श्री पी. सी. मित्रा, शब्दों और वर्णों के स्थान पर "श्री के. के. रे," शब्दों और वर्ण प्रतिस्थापित किए जाएंगे।

[संख्या 53/23/67-फैक-2/पी. एण्ड डी. (2)]

श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या 53/23/67-फैक-2/पी. एण्ड डी. (2) व्याख्यात्मक ज्ञापन

श्री के. के. रे छुट्टी पर चले गए और उन्होंने 10 दिसम्बर, 1972 के अपराह्न को कलकत्ता गोदी श्रम बोर्ड के अध्यक्ष के पद का कार्यभार छोड़ दिया। बाद में श्री के. के. रे ने 11 जनवरी, 1973 से 13 जनवरी, 1973 तक की और आगे अवधि के लिए अपनी छुट्टी बढ़ा ली। श्री रे ने 14 जनवरी, 1973 को अपने पद का कार्यभार संभाल लिया। श्री के. के. रे की कलकत्ता गोदी श्रम बोर्ड, कलकत्ता के अध्यक्ष के रूप में नियुक्ति को इस प्रकार भूतलक्षी प्रभाव देने से किसी तीसरे व्यक्ति के हित पर कृपभाव नहीं पड़ेगा।

New Delhi, 13th April, 1973

**S.O. 1207.**—In exercise of the powers conferred by sub-Section (1), (3) and (4) of Section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) the Central Government hereby appoints Shri K. K. Ray as a member of the Calcutta Dock Labour Board and nominates him as Chairman of the said Board with effect from the 14th January, 1973 vice Shri P. C. Mitra and makes the following further amendments in the notification of the Government of India in the late Ministry of Labour No. S. R. O. 2316 dated the 8th October, 1956, namely:—

In the said notification,—

(1) under the head "Members representing the Central Government", for the entry relating to item (1), the following shall be substituted namely:—

"(1) Shri K. K. Ray, Chairman,  
Calcutta Port Commissioners,  
Calcutta",

(2) In paragraph 2, for the words and letters "Shri P. C. Mitra", the words and letters "Shri K. K. Ray". shall be substituted.

[No. 53/23/67-Fac. II/P&D (ii)]

**Explanatory Memorandum to be appended to the Ministry of Labour and Rehabilitation (Department of Labour and Employment) Notification No. 53/23/67-Fac. II/P&D (II).**

Shri K. K. Ray proceeded on leave and relinquished charge of the post of Chairman, Calcutta Dock Labour Board on the afternoon of 10th December, 1972. Subsequently Shri Ray extended his leave for a further period from 11th January, 1973 to the 13th January, 1973. Shri Ray took charge of his Post on the 14th January, 1973. No third persons interest would be adversely affected by giving such retrospective effect to the appointment of Shri K. K. Ray as Chairman, Calcutta Dock Labour Board, Calcutta.

New Delhi, the 17th April, 1973

**S.O. 1208.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the Industrial dispute between the employers in relation to the management of Calcutta Port Commissioners, Calcutta and their workmen, which was received by the Central Government on the 3rd April, 1973.

# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 44 of 1972

## **Parties:**

Employers in relation to the management of the Calcutta Port Commissioners, Calcutta.

AND

Their Workmen.

## **Present:**

Sri S. N. Bagchi.—Presiding Officer.

## **Appearances:**

On behalf of Employers.—Sri S. P. Naha, Deputy Labour Adviser and Industrial Relations Officer.

On behalf of Workmen.—Sri D. L. Sen Gupta—for National Union of Waterfront Workers.

Sri S. Chakraborty—for Calcutta Port Shramik Union.

State : West Bengal

Industry : Port

## **AWARD**

By Order No. L-32012/1/72-P&D, dated 3-7-1972, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following industrial dispute existing between the employers in relation to the management of the Calcutta Port Commissioners, Calcutta and their workmen, to this Tribunal, for adjudication, namely:

- (1) Whether the action of the Commissioners for the Port of Calcutta in putting Shri P. K. Bhattacharjee and Shri S. P. Bhattacharjee on trial for six months in the post of Upper Division Clerk (Selection Grade) in the Security Section under the Secretary's Department of the Commissioners for determining their suitability for adjustment against the post was justified? If not, what should be the correct procedure for judging suitability?
- (2) Whether the action of the Commissioners for the Port of Calcutta in declaring Shri S. P. Bhattacharjee senior to Shri P. K. Bhattacharjee is justified? If not, what should be their inter-seniority?"

2. The issue No. 2 as to who is senior whether P. K. Bhattacharjee or S. P. Bhattacharjee must be decided on the principle which I am discussing below. The undisputed facts upon which the issue No. 2 is to be answered are as follows:

P. K. Bhattacharjee and S. P. Bhattacharjee are at present Upper division (ordinary) clerks in the office of the Security Section in the head office of the Commissioners of the Port of Calcutta. For administrative purpose the Secretary of the Commissioners of the Port of Calcutta is the head of the office. P. K. Bhattacharjee was first appointed in the police liaison section, now security section as Lower division clerk on 16-8-1954 and was confirmed on 16-8-1954 in that post. S. P. Bhattacharjee was appointed in a leave vacancy as a Lower division clerk on 27th May, 1946 in the Welfare Section of the Secretary's department and started working continuously from 8-7-1946 and confirmed in the post of Lower division clerk on 18-7-1947. He was transferred from Welfare section to Security section on and from 1-8-1954. S. P. Bhattacharjee was again transferred from Security section to Traffic department as Shed clerk on 1-11-1955. The post of Upper division clerk in Security (Police Liaison Sec-

tion) was created on 1-4-1957. The Lower division clerk P. K. Bhattacharjee in that Section was appointed to that post on promotion on 1-4-1957 and confirmed on 1-4-1957 to that post. On 1-4-1957 in the Security Section there was thus one post of Upper division clerk to which P. K. Bhattacharjee was appointed on promotion and confirmed. S. P. Bhattacharjee was, on 1-4-1957, a Lower division Shed clerk in a section of the Commissioner's office which is called Traffic department, while P. K. Bhattacharjee was confirmed on 1-4-1957 as Upper division clerk in Security (Police Liaison) Section of the Commissioner's office.

3. S. P. Bhattacharjee raised protest against his transfer on 1-11-1955 from Security section by an application made on 25-1-1956 to Secretary of the Commissioner's office, followed by several such applications. Calcutta Port Shramik Union approached the Regional Labour Commissioner by a letter dated 20-2-1957 alleging that S. P. Bhattacharjee's transfer from Security section to Traffic department was malafide as it resulted in a change of his service condition, and affected his seniority, claim for promotion and change of designation of his post. The union prayed before the R.L.C. that S. P. Bhattacharjee should be transferred to Police Liaison i.e. Security Section with effect from 8-3-1958. The Union named National Union of Port Trust Employees now known as National Union of Waterfront Workers, by a letter dated 27-2-1959 addressed to Secretary, Calcutta Port Commissioner raised the issue of Sree S. P. Bhattacharjee's seniority over P. K. Bhattacharjee and demanded reversion of P. K. Bhattacharjee from the post of U. D. clerk to L. D. clerk and promotion of S. P. Bhattacharjee to the post of U.D. clerk with benefits retrospectively. The Commissioners of the Port of Calcutta by a letter dated 18-3-1959 rejected the Union's demand in toto asserting that S. P. Bhattacharjee a lower division clerk could not be considered senior to P. K. Bhattacharjee, a permanent Upper division clerk. Here the matter of seniority in between P. K. and S. P. Bhattacharjee was concluded by the Commissioners of the Port of Calcutta by their decision dated 18-3-1959.

4. Thereafter, on consideration of various representations by S. P. Bhattacharjee regarding his claim for promotion to the post of Upper division clerk, and seniority to P. K. Bhattacharjee, the Commissioners of the Port of Calcutta decided in October, 1963, that S. P. Bhattacharjee should be promoted to the post of a U.D. clerk in the next promotional vacancy of Upper division clerk in Security section. The Commissioner, however, made it clear that the question of seniority in the cadre of U. D. clerks, in Security section in between S.P.&P.K. Bhattacharjee would be separately considered, overlooking its decision dated 18-3-59. By a letter dated 1st June, 1970, the Secretary of the Commissioners conveyed the decision of the Commissioners declaring officiating Upper division clerk S. P. Bhattacharjee senior to permanent Upper division clerk P. K. Bhattacharjee, and confirming S. P. Bhattacharjee to the vacant Upper division post. The Commissioners also decided that for the purpose of promotion to the next higher post, whenever a vacancy therein would arise in the normal course, a selection should be made on the basis of seniority-cum-suitability for determining which of these two persons should be considered.

5. On 18-3-1959 the Commissioners declared P. K. Bhattacharjee senior to S. P. Bhattacharjee when the former was the permanent U. D. clerk working as such in Security Section on and from 1-4-1957, and the latter was a L.D. clerk in the said section. The Commissioner's declaration of P. K. Bhattacharjee's seniority to S. P. Bhattacharjee was made when S. P. demanded that he should be declared senior to P. K. and should be promoted to the U. D. Seniority was once determined by the authority competent to do so. But if such seniority is changed by the authority the action would affect the person once declared senior to another his future chance of promotion. This action in changing seniority between or amongst employees in the same cadre or source of employment would amount to denial to the person affected by such change equal opportunity for claiming right to promotion. (Triloki Nath vs. State of Jammu and Kashmir, A.I.R. 1959, Sc. and Union of India vs. V. Jayaram A.I.R. 1970 Sc., 2092). The order changing seniority on the principle discussed above was quashed in those cases. So, on 18-3-1959 the Commissioners decision on the question of seniority in between S. P. and P. K. was decided once for all. But, on 1-6-70, the Commissioner themselves reversed their own decision as already pointed

out in contravention of their own guide line embodied in their executive instructions binding on the Commissioners and its employees. Such a course of action on the part of the Commissioners fall within the mischief of law, as has been enunciated by the Supreme Court in the two decisions already referred to above. The Commissioners arbitrary decision made on 1-6-1970, trenching upon the right of P. K. Bhattacharjee as senior to S. P. Bhattacharjee acquired on Commissioners' own decision made on 18-3-59, in term of the executive instructions, based upon statutory legal principles. So the Commissioners' decision made on 1-6-1970 being arbitrary and illegal acting prejudicially to P. K. Bhattacharjee cannot sustain and their order dated 18-3-1959 declaring P. K. senior to S. P. shall prevail over their decision to the contrary dated 1-6-1970 on the principle of equitable estoppel which is applicable to a statutory body like the Commissioners of the Port of Calcutta. The order dated 1-6-1970 cannot therefore sustain (See A.I.R. 1968 Sc., P. 718).

6. A Rule Committee was formed by the Commissioners to draw up a set of rules for determining seniority of all categories of staff. The Committee submitted its report. The recommendations made by the Committee in regard to the rules which should be followed by the Commissioners in determining seniority inter-se of their staff had been approved by the Chairman but not by the Central Government under Section 31(3) of the Port Act. An extract from the Committee's report containing the recommendatory rules is in Exts. W8 and W2. Under Section 31(I) clause (i) of the Port Act 1890, the Commissioners in a meeting from time to time shall frame rules relating to promotion, conduct, discipline, punishment and condition of service applicable to employees of Commissioners, etc. Sub-clause (3) says that so long as Central Government does not approve of the Rules made under Section 31(1), the rules shall take no effect. The Section 32 of the Act reads as follows:

"32. Appointments, etc., by whom to be made—(1) Subject to the provisions of the Schedule, for the time being in force, sanctioned by the Commissioners under section 30 and of the rules framed under section 31 and also to the provisions of section 34, the power of appointing, promoting, granting leave to, suspending, fining, reducing or dismissing, or of disposing of any other question relating to the services of the employees of the Commissioners including the power of dispensing with the services of any such employee otherwise than by reason of the misconduct of such employee shall be exercised, in the case of employees whose maximum monthly salary exclusive of allowance is less than one thousand rupees, by the Chairman or the Deputy Chairman, and in every other case, by the Commissioners in meeting.

(2) The Chairman may, upon such terms as he may think fit and subject to the provisions referred to in sub-section (1) and to the Chairman's power of revision and control, delegate to the head of any department for the time being all or any of his powers under the said sub-section in respect of the employees of that department whose monthly maximum salary, exclusive of allowances does not exceed three hundred and fifty rupees.

(3) Notwithstanding anything contained in sub-section (1) the power to make appointment to posts of heads of departments shall be exercisable only by the Central Government after consultation with the Chairman.

(4) The Central Government may by order specify each of the posts the incumbent of which shall for the purposes of this section be regarded as the head of a department."

Section 31(I) clause (i) and Section 32 of the Act should be read together. There is nothing on record to show that the so called rules in (Exts. W8 and W2) had been formed in a meeting of the Commissioners under Section 40 of the Act. There is nothing in record to show that the so called rules were approved by the Central Government to have statutory effect. So, Exts. W8 and W2 are not statutory rules under Sec. 31(I)(i) and 31(3) of the Act, read with Section 32 of the Act, but only executive instructions. So

long as statutory rules are not framed, the statutory authority of the Port Commissioners can act administratively in discharge of its statutory executive functions, derived from the statutory provisions, by issuing executive instructions, on the authority, as in the case of B. N. Nagarajan vs. State of Mysore A.I.R. 1956 Sc., p. 1942 [and see also the recent case, Shamlal and Others, 1973 (26) F.L.R. 161 at page 163 (Delhi High Court)]. The executive instructions in Exts W8, W2 and M9, where rules under Section 31(I) clause (i) of Port Act have not been made, would entitle the Chairman or his Deputy to deal with all questions in respect of all matter relating to employment of clerical staff drawing less than Rs. 350 as their basic wages under the provisions of Section 32 of the Act, on executive instructions and the Chairman may also delegate, as provided for in Sub-section (2) of Section 32 of the Act, his powers under Section 32 to the head of a department in regard to employees whose monthly salary itself does not exceed Rs. 350 (See Shamlal's case supra). I must presume that the Commissioners or the Chairman or his delegate must have had followed executive instructions II and IX of Ext. W2 which runs as follows:

"(ii) When however a man is confirmed in a grade, he becomes senior to all others who have not been confirmed in that grade for purpose of promotion.

\* \* \*

(ix) Men who were transferred from one Department to another in the interests of the Commissioners would be allowed to count their service in their original Departments for purposes of seniority in the new Department."

When the Commissioners had once decided on 18-3-1959 as to the seniority between the two Bhattacharjees, they had no jurisdiction to make a decision on 1-6-1970, in disregard, not only of the principles laid down in the two decisions of the Supreme Court to which I have already referred, but also of their own executive instructions to the utter prejudices of P. K. Bhattacharjee.

7. By the executive instructions, as Exts. W8, W2 and M9, now relevant to this case, the Commissioners and their employees are equally bound. I hold that Shree P. K. Bhattacharjee, Upper Division Clerk in Security Section working as such permanently on and from 1-4-1957 is senior most in the cadre of Upper Divisions Clerks in that Section to the U. D. Clerk S. P. Bhattacharjee, as was decided by the Commissioners according to legal principles as well as according to executive instruction (ii) and (ix) of Ext. W2. The Commissioners' decision dated 1-6-1970 is contrary to law and their own executive instructions and cannot take effect to the prejudice of P. K. Bhattacharjee.

Issue No. 1:

8. By a resolution No. 1180, a temporary post of a Selection grade clerk in the first instance for a year from 1st August 1970, was created in Watch and Ward Section i.e. Security Section by the Commissioners of the Port of Calcutta. During the period for which the temporary post of Selection grade clerk would continue, a post of Upper Division clerk would remain vacant (Ext. M8). In Security Section, as the representative of the Commissioners of the Port of Calcutta submitted, there are now four posts of U.D. Clerks occupied by the two Bhattacharjee gentlemen and other two by two other gentlemen junior to Bhattacharjee gentlemen. The Chief Security Officer asked the Secretary of the office of the Commissioners on 23-11-1970 as to how the Selection grade clerks post should be filled up. The Secretary communicated to the Chief Security Officer the decision of the Chairman who has the Statutory power under Section 32 of the Port Act where there is no statutory rules framed under the Act, of appointing, promoting, granting leave, etc. to any employee whose maximum monthly salary is less than Rs. 1000 (vide Ext. M9). The letter Ext. M9 reads as follows:

Secretary's

20th January/71.

"2881/Genl.

The Chief Security Officer.

Subject.—Filling up of the post of clerk (S.G.) in the Watch and Ward Section.

Reference your letter No. WW/34-A/III-5989 dated the 23rd November, 1970.

2. On consideration of the matter it has been decided that both Shri S. P. Bhattacharjee and Shri P. K. Bhattacharjee should be tried out in the post of Clerk, U.D. (S.G.) for a period of six months each, the final selection being made on the basis of the work. Necessary action may please be taken in the matter and a report on the work and conduct of Sarvashri S. P. Bhattacharjee and P. K. Bhattacharjee may be submitted to this office on the expiry of the trial period.

Sd/- Illegible  
Secretary."

9. Now the question has been raised in Issue No. I as to whether such method of selection to the temporary post of Selection grade U.D. clerk is justified, if not what should be the correct procedure for judging suitability. Admittedly both the Bhattacharjees gentlemen were tried for their suitability in terms of the decision as appearing in Ext. M 9. Neither of them was appointed to the post. The post in question is not being occupied by either of them at present and both of them are now working as ordinary U.D. clerks. I was told that a proposal is a foot for sanctioning the post which had run out its temporary one year's lease of life. If it is assumed that the post is sanctioned for a further term, then what would be the method of selection to that post is now the problem. But any decision on the issue would be of no avail unless the post is created in future.

The post is a new temporary post. The appointment to such post is to be made, as decided by the Chairman, by selection which is to be made on seniority-cum-suitability basis. Suitability is to be judged by method of probation for six months, coupled with the probationer's fitness for discharging of the duties of the post, as would be decided by the authority on the report received from the Selection head i.e. Chief Security Officer. If there are in the field four U.D. clerks, the seniority cum suitability of each clerk must be tried for a specified period. None in U.D. clerk cadre has any right to promotion to the section grade post. But all U.D. clerks, be they junior or senior, in the cadre list of the Security Section must have a claim for equality of opportunity for promotion to the selection post. Where the authority's policy of promotion is based on seniority cum suitability i.e. merit an employee cannot claim promotion as a matter of right by virtue of his seniority. If an employee, senior to the other, on trial is found unfit to discharge the duties of the higher post, he may be passed over and an officer junior to him may be promoted (See A.I.R. 1968 Sc. 1113). When selection for promotion is based on seniority cum merit i.e. suitability, to be tested for a period of probation, in spite of his seniority, an employee junior to senior employee could be selected for promotion and promoted if a senior employee or employees, on trial during probation, are found unfit for discharging duties of a selection post, and any employee junior to any senior employee is found acquitted himself up to the standard during probationary period (Mysore vs. S. Mahmood A.I.R. 1968, S.C. 1113). As observed by the Supreme Court in Mahmood's case, promotion could not be claimed as a matter of right by virtue of seniority alone. When from the same source or cadre promotion to selection post on seniority cum suitability basis is to be made, all in the employees in the cadre shall have a claim for equality for opportunity for such promotion (See Kishori A.I.R. 1962 Sc. 1139). In Rangachari's case (A.I.R. 1962 Sc. 62) "matters relating to employment" in Article 16(1) and (2) of the Constitution of India means all matters prior to and subsequent to the employment which are incidental to the employment and form part of terms and conditions of service. Article 16(1) of the Constitution guarantees only fundamental right of equality of opportunity of employment and Article 16(2) prohibits discrimination against ensuring the equality of opportunity for employment. Promotion to a selection post, as the Supreme Court observed in Rangachari's case, is controlled and conditioned by Article 16(1) and 16(2) of the Constitution. The principles in Rangachari's and Other's cases, I have discussed, are only guiding principles, even where employees are not State Government servants, but are servants of a Statutory body, the employees of which are governed by statutory rules, or in absence thereof by authoritative executive instructions, pending framing of statutory rules, as those principles are the most sound legal principles, based on natural justice, which our Constitution enshrines, as well as on the judicial decisions I have discussed. Rangachari principle is that what is guaranteed is only equality of opportunity for promotion to even a selection post and it is not inconsistent with the existence of provisions relating to qualifications for such promotion. I now

quote the most salutary principle in regard to provisions made either in statutory rules, or in absence thereof, in executive instructions, issued administratively in discharge of statutory functions of the statutory authorities in matters relating to its employees, governed by statutory provisions, as appearing in Rangachari's case reported in A.I.R. 1962 Sc. 62: "What is guaranteed is the equality of opportunity and nothing more. Art. 16(1) or 16(2) does not prohibit the presumption of reasonable rules for selection to any employment or appointment to any office. Any provisions as to qualifications for employment or the appointment to an office reasonably fixed and applicable to all citizens would certainly be consistent with the doctrine of equality of opportunity, but in regard to employment, like other terms and conditions associated with and incidental to it, promotion to a selection post is also included. In the matters relating to employment and even in regard to such a promotion to a selection post all that Art. 16(1) guarantees is equality of opportunity to all citizens who enter service". In Kishori's case A.I.R. 1962 Sc. 1339—matters relating to employment has been held to include promotion. There must be equality of opportunity for promotion as between citizens holding different posts in the same cadre. Equality of opportunity for promotion is available to all in the same cadre only when promotion is from the said cadre, following the doctrine of justice, equity and good conscience, I hold that the statutory rules, as well as executive instructions, so long as of statutory rules are not framed, should conform to the principles, enunciated by the Supreme Court in matters relating to employment of staff of a statutory authority, like that of the Commissioners of the Port of Calcutta. I make it clear that employees under the Commissioners of the Port of Calcutta are not State employees, but are employees under a statutory authority that has to act in accordance with the provisions of the Statute and Statutory Rules, and in absence of statutory rule, on executive instructions that should not deviate from legal norms, established by the law of the land, in all matters relating to employment of the statutory authority's staff over which the statutory body has specific statutory power to make statutory rules, more so in regard to a statutory authority, like the commissioners which is an "authority" under Article 12 read with Article 226 of the Constitution. So, statutory rules and/or executive instructions in regard to matters covered by Section 31(1)(i) of the Port Act i.e. relating to staff employment by the Commissioners of the Port of Calcutta should be framed, consistent with the statutory provisions, guided by principles of law laid down by the Supreme Court relating to employment of employees that are under the State Governments, since "State" in Article 12 of the Constitution includes all local or other authorities which includes the statutory authority like that of the Commissioners of the Port of Calcutta under Port Act, 1890. I was also told by the representative of the Port Commissioners that some of the Government Rules in some spheres analogous to Commissioners' sphere of statutory activities have been adopted by the Commissioners as their own statutory rules.

10. From the aspects I have just discussed, the principle embodied in the decision of the Chairman in letter Ext. M9 relating to the procedure of selection to the post of special U.D. clerk in Security section is unexceptionable, being based on sound legal as well as natural justice principles. The method of selection on seniority cum suitability basis, or in other words on six month's probation, coupled with the report of efficient performance of duties attached to the selection post by a probationary candidate drawn from the cadre of U.D. clerks in the section is consistent with sound juristic principles as discussed above. If a senior U.D. clerk fails to perform his duties in the Selection post during probation period, he should be reverted to his present post and next to him in seniority should be put on probation. If he also cannot, during probation period acquit himself up to the standard, he would revert to his parent post and next to him in the cadre should be tried till final selection is decided upon by the authority concerned. What should be the details of the procedure of selection for a particular post must be decided upon by the authority concerned but the broad principle of selection adopted by the authority should not deviate from the currently established legal norms and should be consistent with the object of the governing statute. The method adopted in this case would not be violative of the claim of anyone in the cadre of U.D. clerks in Security section for opportunity for employment in the selection post, provided the aspirant for the post succeeds in the test by the standard laid down for selection.

11. I have pointed out that under Section 31(I)(i) of the Port Act, promotion of staff should be governed by

statutory rules if and when formed, and in absence of such rules, by executive instructions, which have no statutory force. So long as statutory rules are not framed, the executive instructions as in Ext. M9 relevant to the present case, should be followed, if and when the selection post in question is created in future for a further term by the authorities of the Port Commissioners. The tribunal would only look into the legality of the source of the executive instructions and find if those are consistent with established legal norms. Substantive and procedural rules on any matters as provided for by Section 31(I)(i) of the Port Act i.e. all terms and conditions of employment shall be governed by statutory rules to be framed by the statutory authority in the manner and to the extent prescribed by the Port Act. The Industrial tribunal has no authority to force its decision regarding rules that are to be framed and followed by the statutory authority under specific provisions of a Statute. If the statutory authority, in absence of statutory rules, acts in exercise of his statutory powers on executive instructions, issued administratively by such authority, the Industrial Tribunal even then cannot force its decision on such authority as to how the executive instructions should be framed and what would be their scope and content. In the case of *The General Secretary, Madras Harbour Workers' Union vs. Industrial Tribunal, Madras*, 1973 L.I.C. 186, the Madras High Court following Sarat Chatterjee's case 1963 1 LLJ 76 (Patna Division Bench) laid down "But it would be arrogating too much power if the Tribunal were to make an award altering Statutory provisions". The Commissioners of the Port of Calcutta governed by the Port Act and the Rules framed there under as laid down by the Act is an autonomous body. The Act and the statutory rules framed under the Act regarding all matters relating to employment as specified in Section 31(I)(i) in particular are to be self contained. There is a clear statutory procedure for framing rules under specific provisions of the Port Act, 1890. If the statutory authority i.e. the Commissioners of the Port of Calcutta empowered to frame statutory rules regarding all matters relating to employment of its staff under Section 31(I)(i) of the Port Act frame such rules, following the procedure laid down by the Act i.e. Port Act, a Industrial Tribunal will not be competent to force its decision against that of the Commissioners as made, while framing such rules approved by the Central Government or in modification of it. The Statutory rules take effect only when Central Government approves the rules and the minutes of the Commissioners' meeting upon the rules framed are published in the official gazette. So, this Tribunal cannot trench upon statutory jurisdiction of the Commissioners of the Port of Calcutta and the Central Government. (See observations of the Patna High Court in Sarat Chatterjee's case at page 83 of the report). On the principle just discussed, if the employees of the statutory authority of Port Commissioners are aggrieved by any statutory rules or executive instructions, the remedy lies before a competent Civil court but not before the Industrial Tribunal, in a reference case as the Industrial tribunal is not such a legal authority that can force its decision on a statutory body, when the statutory body acts under the provisions of a statute and the statutory rules or under the Statute, in absence of statutory rules, on executive instructions for administration of the statutory provisions. In between a non statutory employer and an employee, any matter relating to employment is made a subject matter of an industrial dispute, and if such non-statutory body is governed by certified Standing orders, certified under Industrial Employment Standing Orders Act, over such a dispute on any matters relating to employment of an employee under such an employer the Industrial tribunal can force its decision superseding any of the rules of the certified Standing orders made in regard to any matter relating to employment. But if a statutory body frames statutory rules regarding all matters relating to employment of its staff, and if any member of the staff or any class of staff raise a dispute as to legality or otherwise of such rules the Industrial tribunal would have no jurisdiction to entertain such a dispute as it cannot vary such rules by its decision (See *Madras Harbom Case Supra* and *Bangalore W.C. Mills—1968 1 LLJ 555*). A dispute over statutory rules or executive instructions where no statutory rules have been properly framed cannot be adjudicated upon by an Industrial Tribunal [See *Sarat Chatterjee's Case Supra* and *Shamlal and Ors., 1973(26) F.L.R. 161* at page 163—*Delhi High Court*]. There is a clear distinction between the employer in relation to a statutory organisation, governed by Statute and Statutory rules *vis-a-vis* its employees, governed by the Statute and statutory rules, and an employer in relation to a non-statutory body

*vis-a-vis* its employee governed either by Model Standing orders or Certified Standing Orders where there is any, or by contract of service embodied in an agreement. Statute and statutory service rules are to be altered and amended by Statutory authorities in the manner prescribed by the Statute itself, but certified Standing order rules or contract of employment can be altered or amended while made a subject matter of an industrial dispute by the decision of an industrial tribunal. This being the position, this tribunal has no jurisdiction to lay down any procedure in deviation from that as has been laid down by the Commissioners for judging the suitability, as has been raised in second part of the Issue No. I. The procedure adopted by the decision of the executive authority find ample support from the established legal norms. This tribunal answers the first part of issue No. I, holding that the procedure adopted in terms of executive instructions as embodied in letter Ext. M 9 by the Commissioners of the Port of Calcutta is justified as being based on sound principles of law and principles of national justice. I answer the first part of Issue No. II holding that the Commissioner's action by their decision made on 1-6-1970 declaring S. P. Bhattacharjee senior to P. K. Bhattacharjee offend against the sound principles of law and natural justice and cannot, therefore, sustain. The decision has to be made by the statutory authority of the Commissioners of the Port of Calcutta in the manner provided for by the Port Act, consistent with executive instructions (ii) and (ix) of Ext. W8 and W2 already quoted and with my decision on part I of Issue No. II declaring the *inter-se* seniority between P. K. Bhattacharjee and S. P. Bhattacharjee. The decision on the question in Issue No. II-second part must have to be formally rendered by the Statutory body itself as it is within its jurisdiction, following the findings of this tribunal on the 1st part of Issue No. II. The claim of P. K. Bhattacharjee that he should be declared promoted to the post of Selection post of U.D. clerk is beyond the scope and contents of Issue I and II, and cannot, therefore, be entertained and adjudication upon. So, it is rejected.

12. I make it also clear, as held in *Hindustan Steel, Bhilai* case, 1969 1 LLJ 75 Sc. that temporary promotion on a trial, basis i.e. on probation, does not amount to appointment to a post in a particular cadre. Such a probationary employee does not acquire any right to such a post. If on completion of satisfactory probation term an employee is confirmed, he acquires right to the post if it is declared permanent or for a terms of years or renewable from year to year depending on the precise terms and conditions of the post as laid down by the appointing authority.

This is my award.

Dated, March 27, 1973.

[No. L-32012/1/72-P&D.]

S. N. BAGCHI, Presiding Officer.

नई दिल्ली, 18 अप्रैल, 1973

का. आ. 1209.—यत्तः विशाखापट्टनम हाक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 में संशोधन करने के लिये कतिपय प्रारूप-स्कीम, हाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा यथा अपेक्षित भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना स. का. आ. 2735, तारीख 27 सितम्बर, 1972 के अधीन भारत के राजपत्र, भाग 2, खण्ड 3, उप-खण्ड (2), तारीख 7 अक्टूबर, 1972 के पृष्ठ 3844-45 पर प्रकाशित की गई थी जिसमें उन सभी व्यक्तियों से, जिनका उससे प्रभावित होना संभाव्य था उक्त अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक मास की समाप्ति तक आक्षेप और सुझाव मांगे गए थे,

और यत्तः उक्त राजपत्र जनता को 7 अक्टूबर, 1972 को उपलब्ध करा दिया गया था,

और यतः उक्त प्रारूप पर जनता से प्राप्त हुए आक्षेपों और सुझावों पर केंद्रीय सरकार द्वारा विचार कर लिया गया है,

अतः, अब, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, विशाखा-पट्टनम डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 में संशोधन करने के लिए निम्नलिखित स्कीम एतद्वारा बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इस स्कीम का नाम विशाखापट्टनम डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1973 है।

(2) ये राजपत्र में प्रकाशन की तारीख का प्रवृत्त होगी।

2. विशाखापट्टनम डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 (जिसमें इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के खण्ड 3 में, उपखण्ड (ट) के पश्चात् निम्नलिखित उपखण्ड अंतःस्थापित किया जाएगा, अर्थात् :—

“(टट) “कार्मिक अधिकारी” से बोर्ड द्वारा खण्ड 6 के अधीन नियुक्त कार्मिक अधिकारी अभिप्रेत है।”

3. उक्त स्कीम के खण्ड 6 में, आरम्भ के वाक्य में “ऐसे अधिकारी तथा सेवक” शब्दों के स्थान पर “एक कार्मिक अधिकारी, और ऐसे अन्य अधिकारी तथा सेवक” शब्द रखे जाएंगे;

4. उक्त स्कीम के खण्ड 12 के पश्चात् निम्नलिखित खण्ड अंतःस्थापित किया जाएगा, अर्थात् :—

“12 क कार्मिक अधिकारी—कार्मिक अधिकारी उपाध्यक्ष की, उसके कर्तव्यों के निर्वाहन में साधारणतः सहायता करेगा तथा विशिष्टतः उसका खण्ड 44 के अधीन सौंपे गए कृत्यों को कार्यान्वित करेगा।”

5. उक्त स्कीम के खण्ड 44 में—

(क) उपखण्ड (1) के स्थान पर निम्नलिखित उपखण्ड रखा जाएगा, अर्थात् :—

“(1) कार्मिक अधिकारी द्वारा सूचना, चाहे शिकायत हो या अन्यथा, की प्राप्ति पर कि कोई रीजस्ट्रीकृत नियोजक स्कीम के उपबंधों को कार्यान्वित करने में असफल रहा है, मामले के अन्वेषण के पश्चात् :—

(1) उसका लिखित चेतावनी देगा, या

(2) जब उसकी राय में कोई उच्चतर शास्ति तात्त्विक हो तो वह उपाध्यक्ष को मामले की रिपोर्ट करेगा जो ऐसे और अन्वेषण कराएगा जो वह ठीक समझे और उस नियोजक के बारे में निम्नलिखित कार्यवाहियों में से कोई करेगा, अर्थात्, वह :—

(क) उसकी परीरीनवा कर सकेगा और उसके अभिलेखा शीट में परीरीनवा अभिलेखित कर सकेगा, या

(ख) बोर्ड के अनुमोदन के अधीन, तथा रीजस्ट्रीकृत नियोजक को लिखित एक मास का नोटिस देने के पश्चात् प्रशासनिक निकाय को सूचना देगा कि नियोजक का नाम नियोजकों के

रीजिस्टर से, उत्तनी अवधि के लिये, जितनी बोर्ड द्वारा अवधारित की जाए या गम्भीर अपराध के मामले में, स्थायी रूप से, हटा दिया जाए।”;

(ख) उपखण्ड (8) की सारणी में, मद् 1 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित मद् और प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात् :—

“1क कार्मिक अधिकारी खण्ड 44 उपाध्यक्ष या अध्यक्ष।”

6. उक्त स्कीम के खण्ड 48 में, उपखण्ड (1) के स्थान पर निम्नलिखित उपखण्ड रखा जाएगा, अर्थात् :—

“(1) (क) कार्मिक अधिकारी के खण्ड 44 (1)(2) के अधीन आदेश से व्यथित कोई रीजस्ट्रीकृत नियोजक उपाध्यक्ष को उस पर अपना विनिश्चय देने के लिए अपील कर सकेगा;

(ख) यदि कोई रीजस्ट्रीकृत नियोजक उपाध्यक्ष के खण्ड 44 (1)(2) के अधीन किसी मूल आदेश से व्यथित है तो वह अध्यक्ष को अपील कर सकेगा। खण्ड 44 (1)(2)(क) के अधीन किसी आदेश के विरुद्ध किसी अपील के बारे में अध्यक्ष के आदेश के विरुद्ध कोई और अपील नहीं होगी। खण्ड 44 (1)(2)(ख) के अधीन किसी आदेश के विरुद्ध अपील के मामले में अध्यक्ष मामले को तुरन्त केंद्रीय सरकार को निर्दिष्ट करेगा। केंद्रीय सरकार अपील पर ऐसा आदेश करेगी जैसा वह ठीक समझे।”

[सं. वाई-15011/1/72-पी. एण्ड डी.]

New Delhi, the 18th April, 1973

S.O. 1209.—Whereas certain draft scheme to amend the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959 was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) at pages 3843-450 of the Gazette of India part-II, section 3, sub-section (ii), dated the 7th October, 1972 under the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 2735, dated the 27th September, 1972 inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of one month from the date of publication of the said notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 7th October, 1972.

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following Scheme to amend the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959, namely:—

1. Short title and commencement.—(1) This Scheme may be called for the Visakhapatnam Dock Workers (Regulation of Employment) Amendment Scheme, 1973.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959 (hereinafter referred to as the

said Scheme), in clause 3, after sub-clause (K), the following sub-clause shall be inserted, namely:—

“(kk)” “Personnel Officer” means the Personnel Officer appointed by the Board under clause 6”.

3. In clause 6 of the said Scheme, in the opening sentence for the words “such officers and servants”, the words “a Personnel Officer and such other Officers and servants shall be substituted.

4. After clause 12 of the said Scheme, the following clause shall be inserted, namely:—

“12A. Personnel Officer.—The Personnel Officer shall assist the Deputy Chairman generally in the discharge of his duties and shall in particular carry out the functions vested in him under clause 44.”

5. In clause 44 of the said Scheme

(a) for sub-clause (1), the following sub-clause shall be substituted, namely:—

“(1) The Personnel Officer on receipt of information whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme may after investigating the matter,—

(i) give him a warning in writing; or

(ii) where in his opinion, a higher penalty is merited, he shall report the case to the Deputy Chairman who may then cause such further investigation to be made as he may deem fit and take any of the following steps as regards, that employer, that is to say, he may—

(a) censure him and record the censure in his record sheet; or

(b) subject to the approval of the Board and after one month's notice in writing given to the registered employer, inform the Administrative Body that the name of the employer be removed from the employer's register for such period as may be determined by the Board or permanently in case of a grave offence.”

(b) in sub-clause (8) in the Table, after item 1 and the entries relating thereto the following item and entries shall be inserted, namely:—

1	2	3
“1.A. Personnel Officer	Clause 44	Deputy Chairman or Chairman.

6. In clause 48 of the said Scheme, for sub-clause (1), the following sub-clause shall be substituted, namely:—

“(1) (a) A registered employer who is aggrieved by an order of the Personnel Officer under clause 44 (1) (i) may appeal to the Deputy Chairman for his decision thereon.

(b) If a registered employer is aggrieved by an original order of the Deputy Chairman under clause 44(1) (ii) he may appeal to the Chairman. No further appeal shall be against the order of the Chairman in respect of an appeal against an order under clause 44 (i) (ii) (a). In case of an appeal against an order under clause 44(1) (ii)(b), the Chairman shall forthwith refer the matter to the Central Government. The Central Government shall make such an order on the appeal as it thinks fit.”

[No. Y-15011/1/72-P&D]

का. आ. 1210.—यतः विशाखापत्तनम, अरीजस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 में संशोधन करने के लिए एक प्रारूप स्कीम, डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा यथा अपेक्षित, भारत के राजपत्र, भाग 2 खण्ड 3, उपखण्ड (2), तारीख 28 अक्टूबर, 1972 के पृष्ठ 4931 पर, भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का आ. 3445, तारीख 22 अगस्त, 1972 के अधीन प्रकाशित की गई थी, जिसमें ऐसे सभी व्यक्तियों से, जिनका उससे प्रभावित होना संभाव्य है, राजपत्र में उसके प्रकाशन की तारीख से 45 दिन की समाप्ति तक आक्षेप और सूझाव मांगे गए थे,

और यतः उक्त राजपत्र जनता को 28 अक्टूबर, 1972 को उपलब्ध कराया गया था,

और यतः उक्त प्रारूप पर जनता से जो आक्षेप और सूझाव प्राप्त हुए हैं उन पर केन्द्रीय सरकार द्वारा विचार कर लिया गया है,

अतः, अब, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार विशाखापत्तनम अरीजस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 में संशोधन करने के लिए एतद्द्वारा निम्नलिखित स्कीम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इस स्कीम का नाम विशाखापत्तनम अरीजस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1973 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. विशाखापत्तनम अरीजस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 में, खण्ड 16 में, उपखण्ड (1) की मव (1) में “सूची के लिए चयन” शब्दों से प्रारम्भ होने वाले और “जिससे बोर्ड अवधारित करे” शब्दों से समाप्त होने वाले वद के स्थान पर निम्नलिखित रखा जायेगा, अर्थात् :—

“(1) सूची के लिए चयन किए जाने वाले प्रत्येक वर्ग के कर्मकारों की संख्या बोर्ड द्वारा निर्धारित और केन्द्रीय सरकार द्वारा अनुमोदित संख्या से अधिक नहीं होगी। जहां तक संभव होगा, सूची के लिए चयन उस वर्ग में जिसमें कर्मकार को सूचीबद्ध किया जाता है, किसी कर्मकार के सेवाकाल द्वारा यथा अवधारित ज्येष्ठता के आधार पर होगा और उन मामलों में जहां उक्त ज्येष्ठता सूची उपलब्ध नहीं है, चयन ऐसे अन्य आधार पर किया जाएगा जिसे बोर्ड अवधारित करे,”।

[फा. सं. एस-70012/1/72-पी. एण्ड डी.]

S.O. 1210.—Whereas certain draft scheme to amend the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968 was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) at pages 4931 of the Gazette of India, part-II, section 3, sub-section (ii), dated the 28th October, 1972 under the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment No. S.O. 3445, dated the 22nd August, 1972 inviting objections and suggestions from all persons likely to be

affected thereby, till the expiry of 45 days from the date of its publication in the Official Gazette.

And whereas the said Gazette was made available to the public on the 28th October, 1972;

And whereas the objection and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following Scheme to amend the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968, namely:—

1. Short title and commencement.—(1) This Scheme may be called the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1973.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968, in clause 16, in item (i) of sub-clause (1) for the expression beginning with the words "The Number of Workers" and ending with the words "Board may determine", the following shall be substituted, namely:

"(i) the number of workers of each class to be selected for listing shall not exceed the number determined by the Board and approved by the Central Government. Selection for listing shall be made as far possible, on the basis of seniority as determined by the length of service rendered by worker in the class in which he is to be listed and in cases where the said seniority list is not available, selection shall be made on such other basis as the Board may determine."

[ F. No. S-70012/1/72-P&D ]

का. आ. 1211.—यतः विशाखापत्तनम डॉक कर्मकार (नियोजन का विनियमन) स्कीम 1959 में संशोधन करने के लिए एक प्रारूप स्कीम, डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा यथा अपेक्षित, भारत के राजपत्र, भाग 2 खण्ड 3, उपखण्ड (2), तारीख 28 अक्टूबर, 1972 के पृष्ठ 4932 पर, भारत सरकार के श्रम और पुनर्वसि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का आ. 3446, तारीख 22 अगस्त, 1972 के अधीन प्रकाशित की गई थी, जिसमें ऐसे सभी व्यक्तियों से, जिनका उससे प्रभावित होना संभाव्य है, राजपत्र में उसके प्रकाशन की तारीख से 45 दिन की समाप्ति तक आक्षेप और सुझाव मांगे गए थे,

और यतः उक्त राजपत्र जनता को 28 अक्टूबर, 1972 को उपलब्ध कराया गया था,

और यतः उक्त प्रारूप पर जनता से जो आक्षेप और सुझाव प्राप्त हुए हैं उन पर केन्द्रीय सरकार द्वारा विचार कर लिया गया है,

अतः, अब, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, विशाखापत्तनम डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 में संशोधन करने के लिए निम्नलिखित स्कीम एटद्ध्वारा बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इस स्कीम का नाम विशाखापत्तनम डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1973 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. विशाखापत्तनम, डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 में, खण्ड 17 में उपखण्ड (1) की मद (घ) में निम्नलिखित परन्तुक जोड़ा जाएगा, अर्थात् :—

"परन्तु, यह और कि रीजिस्ट्रीकृत किए जाने वाले व्यक्तियों की बोर्ड द्वारा यथा अवधारित संख्या केन्द्रीय सरकार के अनुमोदन के अधीन होगी।"

[फा. सं. एस. 70012/1/72-पी. एण्ड डी.]

वी. शंकरालिंगम, अवर सचिव

S.O. 1211.—Whereas certain draft scheme to amend the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959 was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) at pages 4931-4932 of the Gazette of India part-II, section 3, sub-section (ii), dated the 28th October, 1972 under the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 3446, dated the 22nd August, 1972, inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of 45 days from the date of its publication in the Official Gazette.

And whereas the said Gazette was made available to the public on the 28th October, 1972;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following Scheme to amend the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959, namely:—

1. Short title and commencement.—(1) This Scheme may be called for the Visakhapatnam Dock Workers (Regulation of Employment) Amendment Scheme, 1973.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959, in clause 17, to item (d) of sub-clause (1) the following proviso shall be added, namely:—

"Provided further that the number of persons to be registered as determined by the Board shall be subject to approval by the Central Government."

[ F. No. S-70012/1/72-P&D ]

V. SANKARALINGAM, Under Secy.

आदेश

नई दिल्ली, 31 मार्च, 1973

का० आ० 1212.—यतः भारत सरकार के भूतपूर्व श्रम, रोजगार और पुनर्वसि मंत्रालय (श्रम और रोजगार विभाग) के आदेश सं० का० आ० 3447, तारीख 22 अगस्त, 1969 से उपाखण्ड अनुसूची में विनिर्दिष्ट विषयों के बारे में भारतीय जीवन बीमा निगम मुम्बई के प्रबंधक (जिसे इसमें इसके पश्चात् उक्त प्रबंधक कहा गया है) और उनके कर्मचारों (जिन्हें इसमें इसके पश्चात् उक्त कर्मकार कहा गया है) के बीच औद्योगिक विवाद 1969 के निर्देश सं० रा० और० अधि०-2 के अधीन राष्ट्रीय औद्योगिक अधिकरण, नई दिल्ली (जिसे इसमें इसके पश्चात् उक्त अधिकरण कहा गया है) को न्यायनिर्णय के लिए निर्देशित किया गया था।

और यतः उक्त कर्मकारों ने 'प्रोन्नतियां संबंध नियम' से संबंधित 1969 के निर्देश सं० रा० ओ० अधि०-2 की अनुसूची में निविष्ट मद सं० 7 (जिसे इसमें इसके पश्चात् उक्त मद सं० 7 कहा गया है) को वापस ले लिया था ;

और यतः उक्त प्रबंधसंज्ञ, विद्यमान नियमों के पुनरीक्षण के लिए उक्त कर्मकारों का प्रतिनिधित्व करने वाले चार बलों के प्रतिनिधियों के साथ 31 मार्च, 1970 के पूर्व विचार विमर्श करने के लिए सहमत हो गया था ;

और यतः उक्त अधिकरण ने 1969 के निर्देश सं० रा० ओ० अधि०-2 के अधीन विवाद के संबंध में एक अधिनिर्णय दिया था जो तत्पश्चात् भारत सरकार के भूतपूर्व श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० भा० 2530, तारीख 22 जुलाई, 1970 के अधीन प्रकाशित किया गया था ;

और यतः जीवन बीमा निगम उच्चतर श्रेणी सहायक सगम ने छठवें प्रत्यर्थी, अर्थात् उक्त अधिकरण को, उक्त मद सं० 7 से संबंधित औद्योगिक विवाद को सुनने और अवधारित करने के लिए निदेशित करने वाली परमादेश की रिट जारी करने की प्रार्थना करते हुए ; मद्रास उच्च न्यायालय में 1972 की सं० 825 और 826 वाली रिट याचिकाएं फाइल किया था ;

और यतः मद्रास उच्च न्यायालय ने उक्त रिट याचिकाएं स्वीकार कर ली हैं और निर्देश दिया है कि उक्त अधिकरण विधि के अनुसार उक्त विवाद को सुनेगा और उसका अवधारण करेगा ;

और यतः उक्त अधिकरण जिसने अधिनिर्णय दिया था अब अस्तित्व में नहीं है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, उक्त मद सं० 7 से संबंधित उक्त विवाद को सुनने और उसके अवधारण के लिए राष्ट्रीय औद्योगिक अधिकरण गठित करती है जिसका मुख्यालय जबलपुर में होगा और इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से उस अधिकरण के पीठासीन अधिकारी के रूप में श्री एस० एन० काटजू की नियुक्ति करती है ।

[का० सं० एल-17011/9/72-एल० धार०-1]

### ORDER

New Delhi, the 31st March, 1973

**S. O. 1212.**—Whereas the industrial dispute, between the management of the Life Insurance Corporation of India, Bombay (hereinafter referred to as the said management), and their workmen (hereinafter referred to as the said workmen), in respect of the matters specified in the Schedule annexed to the Order of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 3447, dated the 22nd August, 1969, was referred for adjudication to the National Industrial Tribunal at New Delhi (hereinafter referred to as the said Tribunal) under reference No. NIT-2 of 1969;

And whereas the said workmen withdrew the item No. 7 referred to in the Schedule to the reference No. NIT-2 of 1969, relating to 'rules regarding promotions' (hereinafter referred to as the said item No. 7);

And whereas the said management agreed to hold discussions before the 31st March, 1970, with the representatives of the four parties representing the said workmen for a review of the existing rules;

And whereas the said Tribunal gave an award which was later published under the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 2530, dated the 22nd July, 1970, in relation to the dispute under reference No. NIT-2 of 1969;

And whereas the Life Insurance Corporation Higher Grade Assistants Association filed writ petitions Nos. 825 and 826 of 1972 in the High Court of Madras praying for the issue of writ of mandamus directing the sixth respondent therein, namely, the said Tribunal, to hear and determine the industrial dispute in relation to the said item No. 7;

And whereas the High Court of Madras has allowed the said writ petitions and directed that the said Tribunal shall hear and determine the said dispute in accordance with law;

And whereas the said Tribunal which gave the award is no longer in existence;

Now, therefore, in exercise of the powers conferred by section 7B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a National Industrial Tribunal with headquarters at Jabalpur and appoints Shri S.N. Katju as the Presiding Officer of that Tribunal with effect from the date of publication of this notification in the Official Gazette, to hear and determine the said dispute relating to the said item No. 7.

[F. No. L. 17011/9/72-LR-I]

नई दिल्ली, 4 अप्रैल, 1973

**का. आ. 1213.**—यतः भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का. आ. 1780 दिनांक 19 जून, 1963 द्वारा गठित जयपुर स्थित श्रम न्यायालय के पीठासीन अधिकारी का पद रिक्त हो गया है,

अतः, अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसरण में केन्द्रीय सरकार एतद्द्वारा श्री देवी सिंह गहलोत को पूर्वाक्त रूप में गठित श्रम न्यायालय का पीठासीन अधिकारी नियुक्त करती है ।

[सं एल-17012/3/71-एल.आर.-1]

New Delhi, the 4th April, 1973

**S.O. 1213.**—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Labour Court at Jaipur, constituted by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1780, dated the 19th June, 1963;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri Devi Singh Gehlot as Presiding Officer of the Labour Court constituted as aforesaid.

[No. L-17012/3/71-I R-I]

New Delhi, the 17th April, 1973

**S.O. 1214.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the matter of application under Section 33A of the said Act from Shri Dalip Singh, Ex-Dumper Driver, Thakurani Mines of Messers Orissa Mineral Development Company Limited, Post Office Thakurani, District Keonjhar (Orissa), which was received by the Central Government on the 9th April, 1973.

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT NO. 3, DHANBAD**

**Complaint No. 4 of 1971**

**Present:**

Shri B. S. Tripathi—Presiding Officer.

**Parties:**

Shri Dalip Singh, Ex. Dumper Driver, Thakurani Mines of M/s. Orissa Mineral Development Company Limited P.O. Thakurani, P.S. Barbil, Dist. Keonjhar (Orissa).—Complainant.

Vs.

The management of M/s. Orissa Mineral Development Company Limited, Barbil, Dist. Keonjhar (Orissa).—Opposite Party.

**Appearances:**

Complainant—Shri R. K. Nair.

Opposite Party—Shri S. B. Sanyal, Advocate.

**Industry:** Iron Ore

**State:** Orissa

Dhanbad, the 31st March, 1973

**AWARD**

This is a complaint under Section 33-A of the Industrial Disputes Act, 1947 arising out of reference No. 70 of 1964 made by the Central Government in the Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment) to the Industrial Tribunal, Dhanbad. The complainant was working as Dumper Driver under the opposite party and during the pendency of the aforesaid reference the services of the complainant were terminated by the opposite party with the effect from 1-11-1964 by their letter No. 7561 dated the 13th November, 1964. The order of the termination was passed without taking approval of the same from the Tribunal before whom reference No. 70 of 1964 was pending and accordingly the complainant filed the present complaint for setting aside the said order of the opposite party with a further prayer for the reinstatement of the complainant to his original post with full back wages for the period the complainant was not allowed to perform his duties and for compensation as may be deemed fit and proper.

2. From the evidence on record it appears that the Central Government by their order No. 24/45/63-LR II dated 16-6-1964 made the reference in question to the Central Government Industrial Tribunal, Dhanbad under Section 10(2) of the Industrial Disputes Act and it was registered there as reference No. 70 of 1964. Subsequently the reference was transferred to the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur by the Central Government by their Order No. 8/25/67-LR II dated 25-4-1967 and the reference was re-numbered as No. 94 of 1967. The industrial dispute was amicably settled between the parties who filed a compromise petition to dispose of the reference in terms thereof before the Industrial Tribunal, Jabalpur. The settlement was accepted by the Tribunal and on 5-10-1967 an award was passed which was published in the Gazette of India dated 11-11-1967 (Ext. M. 6). The present complaint was filed on 22-3-1965 before the Industrial Tribunal, Dhanbad where it was registered as Complaint No. 8 of 1965. The complaint was subsequently transferred to the Central Govt. Industrial Tribunal-cum-Labour Court, Jabalpur as per order of the Central Government bearing No. 8/25/67-LR II dated 25-4-1967. In Jabalpur Tribunal the complaint was re-numbered as No. 14 of 1967. Later on the Central Government by their Notification No. 1-260525/10/71-LRIV dated 8-10-1971 transferred the complaint to this Tribunal for adjudication and in this Tribunal it was re-numbered as Complaint No. 4 of 1971.

3. The case of the complainant is that he was a party to reference No. 70 of 1964 of the Central Government Industrial Tribunal, Dhanbad and the opposite party was guilty of the contravention of the provisions of Section 33 of the

Industrial Disputes Act, 1947 in as much as during the pendency of the said reference the opposite party terminated his services by their letter No. 7561 dated 13-11-64 with effect from 1-11-64. It is said that the complainant was not given any chargesheet for which his services were terminated and thereby the opposite party has deprived the complainant of natural justice. The complainant further states that the termination of his services resulted out of unfair labour practice and victimization. The complainant states that he was falsely entangled in a criminal case (G. R. Case No. 318 of 1964 of the Court of Sub-Divisional Magistrate, Champua in the district of Roonjhar) and was arrested by the Police in that case and on production before the Court of the Special Magistrate, Barbil he was granted bail with the restriction that he should not enter Thakurani Mines area from 29-10-64. The complainant thereafter filed an application for leave to the opposite party on the ground of the restriction imposed upon him by the Court. Later on, on 13-11-64 the said restriction was lifted by the Court at 4.30 p.m. and the letter of the opposite party terminating the services of the complainant was served immediately thereafter at 5 p.m. on that day. The complainant alleges that the entire action of the opposite party in terminating the services of the complainant was mala fide and amounted to victimization of the complainant. It is said that the action of the opposite party in this regard was illegal in as much as the opposite party did not seek the approval of the Tribunal with respect to the action taken by them. The complainant accordingly prays for the relief already said above.

4. Written statement of the opposite party was received by the Tribunal on 15-1-66. According to the opposite party the complainant was not a concerned workman in the reference No. 70 of 1964 and so there has been no contravention of the provisions of Section 33 of the Industrial Disputes Act by the opposite party in terminating the services of the complainant. The opposite party accepts the case of the complainant that the complainant was an employee of the opposite party as a Dumper Driver and his services were terminated by the opposite party by their letter No. 7561 dated 13-11-64. The opposite party states that the complainant absented from duty without permission from 29-10-64 but on 6-11-64 he submitted an application for leave from 29-10-64 till joining due to restriction imposed on him by the Special Magistrate Barbil in connection with Barbil P. S. Case No. 156 of 1964. He had only 3 days leave due to him. Accordingly he was informed on 13-11-64 that since he failed to join his duty on 1-11-64, after the expiry of the period of leave due to him, and absented for more than 10 days without leave or permission and since the work of the opposite party was suffering and the opposite party could not wait indefinitely his services were terminated. The opposite party further states that it is a case of discharge simpliciter and as such the procedure in providing the workman with the charge of misconduct is not warranted in the present case. The prayer of the opposite party accordingly is that an award be passed to the effect that the complainant is not a concerned workman in reference No. 70 of 1964 and there has been no contravention of the provisions of Section 33 of the Industrial Disputes Act in this case.

5. On behalf of the complainant 3 witnesses have been examined including the complainant himself who is WW-1. WW-2 is Shri Gokulanand Mahanti who during the relevant time was an employee of the opposite party and also Joint Secretary of Barbil Workers' Union. WW-3 was also an employee of the opposite party during the relevant time and was also a member of the Executive Committee of the Barbil Workers' Union in 1964. On behalf of the complainant one document Ext. W-1, the certified copy of the order-sheet in G. R. Case No. 318 of 1966 of the Court of Sub-Divisional Magistrate, Champua has been exhibited. On behalf of the opposite party 2 witnesses have been examined and they are Shri J. R. Dash, General Secretary, Barbil Workers' Union (MW-1) and Shri S. Dayal, Manager (Administration) of the opposite party MW-2. On their behalf six documents have been exhibited on admission of the complainant and they are Exts. M-1 to M-6. Reference will be made to the evidence of the parties in the award if and when the necessity for the same arises.

6. On behalf of the employers Shri S. B. Sanyal has raised the following points in support of his contention that the present complaint under Section 33-A of the Industrial Disputes Act is not maintainable. He submits that in order to attract the provisions of Section 33-A of the Act the complainant must be shown to be a concerned workman in

the industrial dispute during the pendency of which his services were terminated. In the present case admittedly the services of the complainant Shri Dalip Singh were terminated by the order of the management conveyed to Shri Dalip Singh as per letter dated 13-11-1964 (Ext. M-2). At the time this order was made reference No. 70 of 1964 of the Central Government Industrial Tribunal, Dhanbad was pending. It is also admitted that before the order for termination of the services was made the employers had not obtained approval of the proposed action against the complainant. According to the complainant the employers had to take the approval pending under Section 33-A of the Industrial Disputes Act and since this was not done the order for termination of the services of the complainant was bad in Law and must be set aside and the Tribunal should order for reinstatement of the complainant. The submission on behalf of the employers is that before the applications under Section 33-A of the Industrial Disputes Act becomes maintainable, it must be shown that the complainant Shri Dalip Singh was a concerned workman in the industrial dispute which was the subject matter in reference Case No. 70 of 1964. The submission is that Shri Dalip Singh was not a concerned workman in that dispute and as much the present complaint is not maintainable. In support of the above submission reliance has been placed on the decision of their Lordships of the Supreme Court in the case of Digwadih Colliery and Ramji Singh reported in 1964 (2) L. J. 143 and the decision of their Lordships of the Patna High Court in Division Bench in the case of Cane Manager, New India Sugar Mills Limited, Darbhanga Versus Krishna Bal-labh Jha and others, reported in A. I. R. 1967 Patna 10.

7. The second submission on the point of non-maintainability of the present complaint under Section 33-A of the Industrial Disputes Act is that since it is a case of termination of services simplicitor, the provisions of Section 33 of the Industrial Disputes Act do not apply to this case and as such the present complaint under Section 33-A of the Act, which could be filed only in the case of contravention of the provisions of Section 33 of the said Act, is not maintainable. In support of the above submission reliance has been placed on the decision of their Lordships of the Supreme Court in the case of Air India Corporation, Bombay and V. A. Rebellow and another reported in 1972 (1) L. L. J. 501.

8. Shri R. K. Nair on behalf of the complainant relies on the decision of their Lordships of the Supreme Court in the case of M/s. New India Motors (P) Limited, New Delhi and K. T. Moris, reported in A. I. R. 1960 S. C. 875 in support of his contention that the complainant Shri Dalip Singh was the concerned workman in the industrial dispute which was the subject matter in reference No. 70 of 1964 said above. With regard to the second point urged on behalf of the opposite party he submits that it is not a case of termination of service simplicitor but it is a case of dismissal of the workman on account of the alleged misconduct on the part of the concerned workman Shri Dalip Singh and in that view of the matter the prior approval of the Tribunal under Section 33 of the Industrial Disputes Act was necessary, which not having been done the present complaint under Section 33-A of the Industrial Disputes Act is entertainable. It is submitted that the language used in the order of the employers terminating the services of a workman by itself may show that it is a case of termination of service simplicitor but if the Tribunal finds, that it is a case of dismissal from service on account of misconduct, the order of termination of service, though apparently it is a termination of service simplicitor, is liable to be set aside if prior approval has not been obtained according to the provisions of Section 33 of the said Act. In support of this contention reliance has been placed on the decision of the Supreme Court in the case of Tata Engineering & Locomotive Company Limited and S. C. Prasad reported in 1969 (2) L. L. J. 799.

9. In order to appreciate the contention of both the parties it is necessary to mention here the relevant provisions of the Industrial Disputes Act under Section 33-A which provides as follows:—

“Where an employers contravenes the provisions of Section 33 during the pendency of the proceedings before a Labour Court, Tribunal or National Tribunal any employee aggrieved by such contravention, may make a complaint in writing in the prescribed manner to such Labour Court, Tribunal or

National Tribunal and on receipt of such complaint that Labour Court, Tribunal or National Tribunal shall adjudicate upon the complaint as if it was a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit award to the proper Government and the provisions of this Act shall apply accordingly”.

Apparently therefore the contravention of the provisions of Section 33 is the essential pre-requisite for justification of a complaint under Section 33-A. The relevant portion of Section 33 runs as follows:—

“1. During the pendency of any conciliation proceeding before Conciliation Officer or a Board or of any proceeding before an Arbitrator or a Labour Court or a Tribunal or National Tribunal in support of an industrial dispute, no employer shall—

(a) ... ..

(b) for any misconduct connected with the dispute, discharge or punishment, whether by dismissal or otherwise, any workman concerned in such dispute, save with the express permission in writing of the authority before which the proceeding is pending.

2. During the pendency in such proceeding in respect of an industrial dispute, the employer may, in accordance with the Standing Orders applicable to a workman concerned in such dispute, or, where there are no such Standing Orders, in accordance with the terms of the contract, whether expressed or implied, between him and the workman,—

(a) ... ..

(b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman: provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer ... ..

It will appear from the above that in the case of misconduct connected with the pending industrial dispute, the employer is prohibited to discharge or punish by dismissal or otherwise any workman concerned in such dispute without obtaining express permission in writing before whom the proceeding is pending. In case of misconduct not connected with the dispute the employer under certain circumstances may discharge or punish by dismissal or otherwise the workman concerned in such dispute after obtaining the approval of the proposed action from the authority before which the proceedings is pending. If this thing has not been done then the action of the employer will amount to contravention of the provisions of Section 33 of the Industrial Dispute Act. Apparently, the workman, against whom action has been taken by terminating his services during the pendency of an industrial dispute, must be one of the concerned workmen in the dispute and the workmen must have been discharged or punished by dismissal or otherwise for any misconduct on his part. In such cases the employers are required to take prior approval of the authority before whom the prior proceeding was pending. If however it is found that the workman, who has filed the complaint under Section 33-A was not the concerned workman in the pending industrial dispute or he was not discharged or punished by dismissal or otherwise for any misconduct, the compliance of the requirements on the part of the employer under Section 33 is not called for and in that view of the matter, in such a case it cannot be said that there has been contravention of the provisions of Section 33 so that a complaint under Section 33-A of the Act becomes entertainable.

10. In the case of M/s. New India Motors (P) Limited, relied upon by the applicant, the service of a Field Service Organiser was terminated during the pendency of an industrial dispute which related to the termination of the services of seven Apprentices. Since the management had terminated the service of the Field Service Organiser without prior approval of the Tribunal before which the reference was pending, the Field Service Organiser filed a complaint under

Section 33-A of the Industrial Disputes Act before the Tribunal. The question that was canvassed before their Lordships of the Supreme Court in that case, was whether the Field Service Organiser was the workman concerned in the dispute. After discussing relevant provisions of Law in the Industrial Disputes Act their Lordships held that the expression "workman concerned in the dispute" includes all workmen on whose behalf the dispute has been raised as well as those who would be bound by the award which may be made in the said dispute. It was urged on behalf of the workmen in that case that though the Field Service Organiser was not directly concerned in the industrial dispute in question, still he must be held to be concerned with it, inasmuch as he was taking interest in the said dispute on behalf of the concerned workman and he was one of the persons who had sponsored that industrial dispute. Shri R. K. Nair on behalf of the applicant of the present case has adopted this line of argument in support of the contention that the complainant of the present case was one of the workmen concerned in the industrial dispute in reference No. 70 of 1964. In the case of Digwadih Colliery & Ramji Singh, referred to above, their Lordships of the Supreme Court had to consider the decision in the case of M/s. New India Motors (P) Limited and observed as follows:—

"Unless it is known as to what was the nature of the dispute pending in the said reference, it would plainly be impossible to decide whether the respondent is a workman concerned within the meaning of Section 33 (2)."

The same matter came up before Patna High Court for consideration in the case reported in 1967 Patna page 10, referred to above, in which their Lordships considered the aforesaid two decisions of the Supreme Court and the effect thereof. Their Lordships observed as follows:—

"I am, therefore, inclined to accept the contention of Mr. Prasad that there must be some common feature in the nature of the disputes in the two cases, which should serve as a connected link thereby rendering the workman in the later case also workman concerned in dispute in the earlier case. The mere fact that the same union had taken up the case of the two workmen or else that by virtue of Section 18 (3) (d) of the Act all workmen may be bound by the award in the earlier dispute may not suffice, unless there is some other common feature in the two disputes as mentioned above."

In view of this it is clear that in order to hold that the workman of the later case was the workman concerned in the earlier case, there must be some common feature in the disputes in both the cases, otherwise it cannot be said that the workman of the later case was the workman concerned of the earlier case.

11. The industrial dispute referred by the Central Government in reference Case No. 70 of 1964, already said above, was as follows:—

"Whether the Truck Drivers of M/s. Orissa Mineral Development Company Limited are entitled to the grade of Rs. 100-6-160-EB-8-200 which is applicable to the Dumper Drivers of the management and if not, what relief, if any, they are entitled to?"

In that case the dispute was regarding the pay scale of the Truck Drivers. In the complaint case under consideration the complainant is a Dumper Driver and not a Truck Driver. There does not appear any common feature in the nature of dispute in the reference said above and that in the present complaint case nor there is any common link between the two cases. Shri Nair on behalf of the complainant has drawn my attention to the expression "which is applicable to the Dumper Drivers of the management" in the schedule of reference and submits this to be the common feature in that case and the present case in which the complainant is a Dumper Driver. I am unable to accept this submission. The said expression used in the schedule of reference has nothing to do with the decision required to be given as per the reference. In that case the Truck Drivers of the management demanded a particular grade of pay which was applicable to Dumper Drivers. The question was whether the Truck Drivers should get the said grade of pay. By the decision given in the said industrial dispute the Dumper

Drivers were not going to be affected in any way, either by acceptance or rejection of the demand of the Truck Drivers. It cannot, therefore, be said that the complainant of the present case was one of the concerned workmen in the industrial dispute which was the subject matter in reference Case No. 70 of 1964. In that view of the matter, the question of taking prior approval of the Tribunal before terminating the services of the complainant under Section 33 of the Industrial Disputes Act did not arise. Consequently, it must be held that there has been no contravention of the provisions of Section 33 so as to entitle the complainant to file a complaint under Section 33-A of the Industrial Disputes Act. In other words, the present application under Section 33-A of the Industrial Disputes Act is not entertainable inasmuch as the complainant was not a concerned workman in reference Case No. 70 of 1964.

12. It appears that the industrial dispute in references Case No. 70 of 1964 was sponsored by Barbil Workers' Union, Barbil. The complainant of the present case and also the opposite party have adduced oral evidence, the former to prove that Shri Dalip Singh was a member of Barbil Workers' Union at the time when his services were terminated, and the latter to prove that he was not a member of the said union at that time. According to the complainant since he was a member of Barbil Workers' Union at the relevant time and that Union had sponsored the dispute, it must be held that he was a concerned workman of that industrial dispute. Apart from the question whether Shri Dalip Singh was a member of Barbil Workers' Union or not at the time when his services were terminated, in my opinion the above submission on behalf of the complainant is not correct. A similar argument was advanced before their Lordships of Patna High Court in the Case reported in 1967 Patna page 10, already referred to above, and their Lordships repelled the said argument by saying that the mere fact that the same union, of which the complainant was a member, had taken up the cause in the pending industrial dispute, it may not suffice to make the complainant a concerned workman in the industrial dispute. Thus there is no force in the contention that since Shri Dalip Singh was a member of Barbil Workers' Union at the time when his services were terminated and the earlier pending industrial dispute was sponsored by the same union, it should be held that Shri Dalip Singh was a concerned workman in that dispute.

13. The complainant has examined himself and has also examined two other witnesses to prove that Shri Dalip Singh was a member of Barbil Workers' Union, Barbil at the time when his services were terminated. The opposite party on the other hand has examined the General Secretary of the said Union, Shri J. R. Dash, to say that Shri Dalip Singh was a member of the said union till March, 1964 when his name was struck off the membership register for non-payment of arrear subscription. There is no document before us in support of the stand taken by the parties. Definitely the onus was on Shri Dalip Singh to prove that he was a member of Barbil Workers' Union at the aforesaid time. He could have produced the receipt showing payment of membership fee to prove his case that during relevant time he was the member of the said union. He could have called for the registers of the union to prove the same. He has not done so, for the reason best known to him. In view of the denial made by the General Secretary of the Union, who was General Secretary at the relevant time also, it is difficult to act on the oral testimony of the complainant and his witnesses on the point under consideration. It comes to this, therefore that the complainant has failed to substantiate his plea at the relevant time he was a member of Barbil Workers' Union who had sponsored the earlier industrial dispute. Thus apart from the question of Law already discussed above, even on facts the complainant has failed to substantiate his plea.

14. The next point that arises for consideration is as to whether it is a case of termination of service simpliciter or dismissal on account of misconduct on the part of the concerned workman. On behalf of the opposite party the submission is that it is a case of termination service simpliciter and the management has passed the order in exercise of the powers in it as per paragraph 36 of the Standing Orders of the Company. The relevant standing order runs as follows:—

"36. The Company may at any time discharge an employee from service or terminate his services by

giving following notices or by payment of pay for the period of notice in lieu of such notice.

(1) **Permanent monthly rated employees.**

One month from the date following the date of notice.

(2) **Permanent daily rated employees.**

One week from the date following the date of notice. . . . . (vide Ext. M-5).

In the case, both the parties proceeded with the common ground that the concerned workman Shri Dalip Singh was a permanent employee of the opposite party. The case of the opposite party is that the complainant absented from duty without permission from 29-10-1964 and on 6-11-1964 he submitted an application for leave from 29-10-1964 till joining due to restriction imposed on him by the Special Magistrate, Barbil in connection with Barbil P. S. Case No. 156 of 1964. The complainant had 3 days leave due to him and accordingly he was informed on 13-11-1964 by the letter of the Superintendent dated 13-11-1964 (Ext. M-2) that since he failed to join his duty on 1-11-1964, after the expiry of the period of leave due to him, and absented for more than 10 days without leave or permission and the work of the opposite party was suffering and the opposite party could not wait indefinitely his services were terminated. This is the letter by which the services of the complainant were terminated.

15. I may mention below the entire letter Ext. M-2 in order to find out whether the order passed was a termination of service simpliciter in exercise of the powers of the opposite party as per paragraph 36 of the Standing Order mentioned above. The letter runs as follows :—

"Please refer to your leave application dated 6-11-1964 asking for leave from 29-10-1964 till joining which is an indefinite period. You were entitled to 3 days leave which has been granted and you were asked to join on 1-11-1964.

You have not joined duty after the expiry of your leave and you have absented for more than 10 days without any leave or permission. As our work is suffering we cannot wait indefinitely. Your services are therefore, terminated with effect from the date you are absenting yourself from duty.

Please collect your dues if any from Nalda Office on any working day after vacating the company's quarter allotted to you and handing over the company's tools which might be with you."

The above order does not give any notice to the workman as provided in paragraph 36 of the Standing Order nor the management by this order made any offer of the pay for the period of notice commencing from the date of termination of the service. The order Ext. M-2 shows that the order was passed on 13-11-64 that the services of the workman were terminated with effect from 1-11-1964. As per this order there is no offer for the payment of the pay for the notice period. That being so, in my opinion it cannot be said that the order was passed in exercise of the powers of the management under paragraph 36, referred to above. In this connection reference may be made to paragraph 21 of the Standing Orders of the Company under which different kinds of misconduct of an employee have been enumerated. Under Item No. (33) continuous absence without permission and without satisfactory cause for more than 10 days or less, but frequently, amounts to a "misconduct" on the part of an employee. Under paragraph 22(a) of the Standing Orders an employee shall be liable to be dismissed if he has been guilty of misconduct. The order by itself does not state specifically that on account of misconduct the services were terminated but the order specifically states that the workman concerned absented from duty without leave or permission which, as shown above, is misconduct under the Standing Orders. Apparently, therefore, the services of the workman were terminated for the alleged misconduct on the part of the workman. In this connection reference may also be made to another letter of the Superintendent to Shri Dalip Singh dated 21-11-1964 in which the management asserted that Shri Dalip Singh was absent from work for more than 10 days which amounted to a misconduct under the Standing Orders and

accordingly his services were terminated. This makes the position very clear so far as the management is concerned with respect to the order passed by it. It is clear, therefore, that it is a case of dismissal or discharge on the ground of alleged misconduct and it is not a case of termination of service simpliciter. I do not accordingly accept the submission on behalf of the opposite party that it is a case of termination of service simpliciter and consequently the provisions of Section 33 of the Industrial Disputes Act do not apply.

16. However in view of my finding, already recorded above, that the complainant was not the concerned workman in reference No. 70 of 1964 during the pendency of which his services were terminated, the provisions of section 33 have no application and consequently the present complaint under Section 33-A of the Industrial Disputes Act is not entertainable, I do not propose to record my finding as to whether the dismissal or discharge of the complainant on account of misconduct was in accordance with natural justice and whether the alleged misconduct has been proved by the management in the present proceeding.

17. In view of what I have said above the present complaint under Section 33-A of the Industrial Disputes Act is dismissed as not entertainable for the ground already stated above. There will be no order for cost to any of the parties.

18. This is my award. Let the award be submitted to the Central Government under Section 33-A of the Industrial Disputes Act, 1947.

[L-26025/10/71-LR-IV]

B. S. TRIPATHI, Presiding Officer.

नई दिल्ली, 17 अप्रैल, 1973

क्र. आ. 1215.—यतः राष्ट्रीय खनिज विकास निगम लिमिटेड (इसके बाद उक्त निगम के रूप में निर्दिष्ट) के प्रबन्धतंत्र और उक्त निगम की विभिन्न परियोजनाओं और उसके विभिन्न कार्यालयों में कर्मचारों के बीच, जिनका प्रतिनिधित्व इससे उपाबद्ध अनुसूची में विनिर्दिष्ट यूनियनों (इसके बाद उक्त यूनियनों के रूप में निर्दिष्ट) करती हैं, एक औद्योगिक विवाद विद्यमान है ;

और, यतः, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10क की उपधारा (1) के उपबन्धों के अनुसरण में उक्त निगम और उक्त यूनियनों ने उक्त विवाद को एक लिखित करार द्वारा उसमें उल्लिखित व्यक्ति के माध्यस्थता हेतु निर्देशित करना स्वीकार कर लिया है और उक्त माध्यस्थता करार की एक प्रति केन्द्रीय सरकार को भेज दी गई है और वह उक्त धारा की उपधारा (3) के उपबन्ध के अधीन भारत सरकार के श्रम और पुनर्वसि मंत्रालय (श्रम और रोजगार विभाग) के आदेश संख्या एल-28013/1/73 तारीख 10 अप्रैल, 1973 द्वारा भारत के राजपत्र तारीख 21 अप्रैल, 1973 के भाग 2, खण्ड 3, उपखण्ड (2) में प्रकाशित हुआ था ;

और यतः केन्द्रीय सरकार का समाधान हो गया है कि उक्त निर्देशन करने वाले व्यक्ति पक्ष के बहुमत का प्रतिनिधित्व करते हैं ;

अतः, अब, औद्योगिक विवाद (केन्द्रीय नियमावली), 1957 के नियम 8-क के साथ पठित उक्त धारा की उपधारा (3क) के उपबन्धों के अनुसरण में केन्द्रीय सरकार एतद्वारा ऐसे नियोजकों और ऐसे कर्मचारों की सूचना के लिए, जो उक्त माध्यस्थता करार में पक्षकार नहीं हैं, परन्तु जो उक्त विवाद से सम्बन्धित हैं, अधिसूचित करती हैं कि उक्त निर्देशन करने वाले व्यक्ति प्रत्येक पक्ष के बहुमत का प्रतिनिधित्व करते हैं ।

## अनुसूची

1. आल इंडिया एन. एम. डी. सी. वर्कर्स फेडरेशन, 5-बी, ब्रह्मानन्द नगर, हैदराबाद।
2. माइन्स वर्कर्स यूनियन, बैलादिला-14, डाकघर किरिन्दूल, जिला बस्तार।
3. माइन्स वर्कर्स यूनियन, बैलादिला-14, डाकघर भंसी, जिला बस्तार।
4. संयुक्त खदान मजदूर संघ, बैलादिला शाखा, संघ संख्या 14, डाकघर किरिन्दूल, जिला बस्तार।
5. संयुक्त खदान मजदूर संघ, बैलादिला संघ संख्या 5, शाखा, डाकघर भांसी, जिला बस्तार।
6. खान मजदूर संघ, डाकघर किरिन्दूल, जिला सिंहभूम।
7. एन. एम. डी. सी. माइन्स वर्कर्स यूनियन, डाकघर किरिन्दूल, जिला सिंहभूम।
8. डोनीमलाई आयरन और प्रॉजेक्ट कर्मचारी एसोसिएशन डाकघर संडूर, जिला बेल्लारी।
9. मिनरल माइन्स यूनियन, डाकघर कालासा, चिकमागालुर।
10. एम. पी. राष्ट्रीय हीरा खानी मजदूर संस्था, माफगावन, डाकघर और जिला पन्ना।
11. डायमण्ड माइनिंग एम्प्लॉज यूनियन, डायमण्ड माइनिंग प्रॉजेक्ट, डाकघर और जिला पन्ना।
12. एन. एम. डी. सी. एम्प्लॉज यूनियन, मुकरमजाही रोड, हैदराबाद।
13. एन. एम. डी. सी. एम्प्लॉज यूनियन, थाम्पसन स्ट्रीट, हारून मंजिल, विशाखापट्टनम।

[संख्या एल. 26013/1/73-एल. आर.-4]

**S.O. 1215.**—Whereas an industrial dispute exists between the management of National Mineral Development Corporation Limited (hereinafter referred to as the said Corporation) and their workmen in various Projects and Offices of the said Corporation represented by the Unions specified in the Schedule hereto annexed (hereinafter referred to as the said union);

And, whereas, the said Corporation and the said Unions have, by a written agreement in pursuance of the provisions of sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein, and a copy of the said arbitration agreement has been forwarded to the Central Government and the same has been published, under the provision of sub-section (3) of the said Section, with the order of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. L-26013/1/73 dated the 10th April, 1973 published in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 21st April 1973;

And, whereas, the Central Government is satisfied that the persons making the said reference represent the majority of the party;

Now, therefore, in pursuance of the provisions of sub-section (3A) of the said Section, read with Rule 8A of the Industrial Disputes (Central Rules), 1957, the Central Government hereby notifies for the information of the employers and workmen who are not parties to the said arbitration agreement but who are concerned with the said dispute, that the person making the said reference represented the majority of each party.

## Schedule

1. All India NMDC Workers' Federation, 5-B, Brahmanand Nagar, Hyderabad.
2. Mines Workers' Union, Bailadila-14, Post Office Kirindul, District Bastar.
3. Mines Workers Union, Bailadila-5, Post Office Bhansi, District Bastar.
4. Samyukta Khadan Mazdoor Sangh, Bailadila Branch, Deposit No. 14, Post Office Kirindul, District Bastar.
5. Samyukta Khadan Mazdoor Sangh, Bailadila Deposit No. 5, Branch, Post Office Bhansi, District Bastar.
6. Khan Mazdoor Sangh, Post Office Kiriburu, District Singhbhum.
7. NMDC Mines Workers Union, Post Office Kiriburu, District Singhbhum.
8. Donimalai Iron Ore Project Employees' Association, Post Office Sandur, District Bellary.
9. Mineral Miners' Union, Post Office Kalasa, District Chikmagalur.
10. M. P. Rashtriya Hira Khani Mazdoor Sanstha, Majhawan, Post Office and District Panna.
11. Diamond Mining Employees Union, Diamond Mining Project, Post Office and District Panna.
12. NMDC Employees Union, Mukarramjahi Road, Hyderabad.
13. NMDC Employees Union, Thompson Street, Haroon Manzil, Visakhapatnam.

[No. L-26013/1/73-LR-IV]

## अदेश

नई दिल्ली, 19 अप्रैल, 1973

क्रा० प्रा० 1216.—यतः मेमर्स टी० पी० साफ्रो की घाटकूरी एण्ड विजोय प्रायसन और माईन्स, डाकघर-बारा जामदा, जिला सिंहभूम के प्रबन्धन और उनके कर्मचारों के बीच, जिनका प्रतिनिधित्व यूनाइटेड मिनरल वर्कर्स यूनियन करती है, एक औद्योगिक विवाद विद्यमान है;

और यतः उक्त कम्पनी और यूनियन ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को उममें बणित व्यक्ति के माध्यस्थ के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थ करार की एक प्रति केन्द्रीय सरकार को भेजी गई है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (3) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थ करार को, जो उसे 13 अप्रैल, 1973 को मिला था, एतद्वारा प्रकाशित करती है।

## करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)

## के बीच

पक्षकारों के नाम:

नियोजकों का प्रतिनिधित्व करने वाले

1. श्री राम नन्दन सिंह, एजेंट, मेमर्स टी० पी० साफ्रो की घाटकूरी एण्ड विजोय प्रायसन और माईन्स, डाकघर-बाराजामदा जिला-सिंहभूम।

कर्मचारों का प्रतिनिधित्व करने वाले

1. श्री नकुल गुहा, महा सचिव, यूनाइटेड मिनरल वर्कर्स यूनियन, (सी० आई० टी० यू०), डाकघर गुप्ता, जिला-सिंहभूम।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को श्री एच० एच० कुरीणी, क्षेत्रीय श्रमायुक्त (केन्द्रीय) जनवाद के माध्यस्थ के लिए निर्देशित करने का एतद्वारा करार किया गया है।

1 विनिर्दिष्ट विवाद प्रस्त विषय क्या मैमर्स टी०पी० माओ की घाट-कूरी एण्ड बिजोय आयरन और मान्म के प्रव्यतत का सर्वश्री सर्वश्री कीन् लोहार, मिचल एण्ड, जोहानटोपी, सोमराटोपी, दाऊद कन्दुलना और श्रीमती मनकुमारी बारैक, श्रीमती बिरणी टोपी, श्रीमती बेरेनिका टोपी, श्रीमती फुलमोनी लोहारिन, खतिको को 1-1-1973 से पदच्युत करना न्यायाचित था? यदि नहीं, तो कर्मकार किस श्रुतलोक के हकदार है?

2 विवाद के पक्षकारों का नियरण 1. मैमर्स टी० पी० माओ की घाट-जिममे श्रुतलोक स्थापन या उप-क्रम का नाम और पता भी सम्मिलित है।

3 यदि कोई सच प्रणगत कर्मकारों का प्रतिनिधित्व करना हा तो उसका नाम। यूनाइटेड मिनरल वर्कर्स यूनियन, (सी० आई० टी० यू०), डाक २२-गुआ, जिशा—पडभूम

4. प्रभावित उपक्रम में नियोजित लगभग 175 कर्मकारों की कुल संख्या।

5. विवाद द्वारा प्रभावित या संभावित: प्रभावित होने वाले कर्म-कारों की प्राक्कलित संख्या। 9 (नौ)

हम यह करार भी करते हैं कि मध्यस्थ का विनिर्देश हम पर बाबद्धकर होगा।

मध्यस्थ अपना पचाट छ भाग की कालावधि या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाय, देगा। यदि पूर्व गणित कालावधि के भीतर पचाट नहीं दिया जाता तो माध्यस्थ के लिए निर्देश स्वतः रद्द हो जायगा और हम उस माध्यस्थ के लिए बातचीत करने को स्वतंत्र होंगे।

पक्षकारों के हस्ताक्षर

साक्षी

ह०/-रायनन्दनसिंह  
3-4-73

1. ह०/-प्रपाठय  
3-4-73

नियोजक का प्रतिनिधित्व करने वाले

2. ह०/-प्रपाठय

ह०/-नकुल गुहा  
3-4-73

श्रमिकों का प्रतिनिधित्व करने वाले

[मध्या एल-26013/2/73-एल०प्रार०-4]

एस. एस. सहस्रानामन, अवर सचिव

ORDER

New Delhi, the 19th April, 1973

S.O. 1216.—Whereas an industrial dispute exists between the management of Ghatkuri & Bejoy Iron Ore Mines of Messrs T.P. Sao, Post Office Barajamda, District Singhbhum and their workmen represented by the United Mineral Workers' Union;

8 G of I/73—6.

And whereas the said company and the Union have, by a written agreement in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement which was received by it on the 13th April, 1973.

### AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

Name of parties :

Representing the employers : Shri Ram Nandan Singh, Agent, Ghatkuri & Bejoy Iron Ore Mines of M/s. T.P. Sao., P.O. Barajamda, Dist : Singhbhum.

Representing the Workmen : Shri Nakul Guha, General Secretary, United Mineral Workers' Union (CITU), P.O. Gua, Dist : Singhbhum.

It is hereby agreed between the parties to refer the following industrial disputes to the arbitration of Shri H.H. Quraishy, Regional Labour Commissioner (Central), Dhanbad.

(i) Specific Matters in dispute

"Whether the Management of Ghatkuri & Bejoy Iron Ore Mines of M/s. T.P. Sao was justified in dismissing S/Sri Kinu Lohar, Michel Aind, Johan Topo, Somra Topo, Daud Kandulna and Smt. Mankuari Baraik, Smt. Birshi Topo, Smt. Beronika Topo, Smt. Fulmoni Loharin, miners, from 1-1-1973? If not, to what relief are the workmen entitled?"

(ii) Details of the parties to the dispute including the name and address of Estt. or undertaking involved. Ghatkuri & Bejoy Iron Ore Mines of M/s. T.P. Sao, P.O. Barajamda, Dist : Singhbhum.

(iii) Name of the Union, if any, representing the workmen in question. United Mineral Workers' Union (CITU), P.O. Gua, Dist : Singhbhum.

(iv) Total No. of workmen employed in the undertaking affected. Approx. 175

(v) Estimated No. of workmen affected or likely to be affected by the dispute. 9 (Nine)

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of six months or within such time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties

RAM NANDAN SINGH  
3-4-73

Representing the employer

NAKUL GUHA  
3-4-73

Representing the workmen

[No.4, 26013/2/73-4R-IV]

S.S. SAHASRANAMAN, Under Secy.

Witness

1. Sd/- Illegible  
3-4-73

2. Sd/- Illegible  
3-4-73

नई दिल्ली, 16 अप्रैल, 1973

का. आ. 1217.—कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का. आ. 3348, तारीख 13 सितम्बर 1968 का अधिसूचना करते हुए केंद्रीय सरकार एतद्वारा श्री आर. क. रस्तोगी को उक्त अधिनियम, और उसके अधीन विरचित कर्मचारी भविष्य निधि स्कीम और कुटुम्ब पेंशन स्कीम के प्रयोजन के लिए केंद्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या ऐसे स्थापन के संबंध में, जिसके एक से अधिक राज्य में विभाग या शाखाएं हों सम्पूर्ण उत्तर प्रदेश राज्य के लिए निरीक्षक नियुक्त करती हैं।

[सं. ए. 12016(13)/73-पी. एफ. 1]

New Delhi, the 16th April, 1973

S.O. 1217.—In exercise of the powers conferred by sub-Section (1) of Section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour and Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 3348, dated the 13th September, 1968, the Central Government hereby appoints Shri R. K. Rastogi to be an Inspector for the whole of the State of Uttar Pradesh for the purposes of the said act the Employees' Provident Fund Scheme and the Family Pension Scheme framed thereunder, in relation to any establishment belonging to, or under the control of, the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A-12016(13)/73-PF-1]

नई दिल्ली, 17 अप्रैल, 1973

का. आ. 1218—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 ब द्वारा प्रदत्त शक्तियों का प्रयोग करते केंद्रीय सरकार, इससे उपाबद्ध अनुसूची के स्तम्भ (4) में विनिर्दिष्ट कारखानों की उक्त अनुसूची के स्तम्भ (3) में विनिर्दिष्ट उड़ीसा राज्य के ऐसे क्षेत्रों में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबंध प्रवृत्त नहीं हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखानों की उक्त अधिनियम के अध्याय 5-क के अधीन उद्योगीय नियोजन के विशेष अधिदाय के संदाय से, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए या तब तक के लिए जब तक कि उक्त अधिनियम के अध्याय पाँच के उपबंध उन क्षेत्रों में प्रवृत्त नहीं हो जाते, जो भी पहले ही, एतद्वारा छूट देती है।

## अनुसूची

क्रम सं.	जिले का नाम	क्षेत्र का नाम	कारखाने का नाम
(1)	(2)	(3)	(4)
1.	गुजम	गोयानिल्यूगाव खल्लीकोट	मैसर्स विजय साँ मिल्स । खल्लीकोट कोआपरेटिव, वुड वर्क्स ।
2.	मयूर	बलीपर्वत	उड़ीसा स्टेट कामर्शियल ट्रांसपोर्ट कार्पोरेशन बर्कशाप ।

(1)	(2)	(3)	(4)
3.	कोरापुट	चित्रकुंड	उड़ीसा फरिस्ट कार्पोरेशन लिमिटेड के अधीन साँ मिल ।
4.	मयूरभंज	भारीपाडा	रीजनल कोआपरेटिव मार्किटिंग सोसाइटी लिमिटेड ।
5.	पूरी	मतसंखा	1. उड़ीसा फाइबर 2. इंडियन लेटेक्स फाइबर कार्पोरेशन ।
6.	सम्बलपुर	बनईगढ़	बनईगढ़ इंडस्ट्रियल कोआपरेटिव सोसाइटी लिमिटेड ।
7.	बालासोर	कांतापाल	श्री राम चिबड़ा खंड राइस मिल्स ।
8.	कटक	केन्द्रपारा	श्री बलदेव ज्यू पावरलूम बीकर्स कोआपरेटिव सोसाइटी ।
9.	कोरपल	नौरंगपुर	दि नौरंगपुर साँ मिल्स ।
		मलकगिरी	मैसर्स जोनल बर्कशाप (डांडा-कार्णया प्रोजेक्ट)
10.	भूलबानी	भूलबानी	उड़ीसा रोड ट्रांसपोर्ट कंपनी ।
11.	सुबेगढ़	सतोपपुर	मैसर्स री-रोलिंग मिहम
		बीरमित्रपुर	मैसर्स मिस्तल बिस्कुट एंड कंपनी ।
		सुबेगढ़	स्टेट ट्रांसपोर्ट बर्कशाप ।

[का. सं. एस-38014(33)/72/एच आई]

New Delhi, the 17th April, 1973

S. O. 1218.—In exercise of the powers conferred by section of the Employees State Insurance Act, 1948 (34 of 1948) the Central Government, having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas specified in column (3) of the said Schedule in the State of Orissa in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a period of one year from the date of publication of this notification in the Official Gazette or until the enforcement of provisions of Chapter V of the said Act in these areas, whichever is earlier.

## SCHEDULE

Sl. No.	Name of District	Name of area	Name of the factory
1	2	3	4
1.	Ganjam	Gcsaninugaon Khallikote	Messrs Bijoya Saw Mills. The Kallikote Co-operative Wood Works.
2.	Keonjhar	Baliparbat	The Orissa state Commercial Transport Corporation Workshop.
3.	Koraput	Chitrakunda	Saw Mill under Orissa Forest Corporation Limited.
4.	Mayurabhanj	Bharipada	The Regional Co-operative Marketing Society Limited.
5.	Puri	Satsankha	1. The Orissa Fibre. 2. The Indian Latex Fibre Corporation.
6.	Sambalpur	Banaigarh	Baniagarh Industrial Co-operative Society Limited.
7.	Balasore	Kantapal	Shri Ram Chuda and Rice Mills.

1	2	3	4
8. Cuttack	Kendrapara	Shri Baldev Jew Power Loom Weaver's Co-operative Society.	
9. Koraput	Mowarangpur Malkangiri	The Nowrangpur Saw Mills. Messrs Zonal Workshop (Dandakaranya Project).	
10. Phulbani	Phulbani	The Orissa Road Transport company.	
11. Sundergarh	Santoshpur Biramitrapur Sundergarh.	Messrs Re-Rolling Mills Messrs Mittal Biscuit and Company. The State Transport Workshop.	

[F. No. S-38014(33)/72-HI]

का. आ. 1219.—कर्मचारी भविष्य निधि और कटुम्भ पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 7 की उपधारा (1) के साथ पीठित धारा 5 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार कर्मचारी भविष्य निधि स्कीम, 1952 में और संशोधन करने के लिये एतद्द्वारा निम्नीलिखित स्कीम बनाती है, अर्थात् :—

1. इस स्कीम का नाम कर्मचारी भविष्य निधि (संशोधन) स्कीम, 1972 हांगा।
2. कर्मचारी भविष्य निधि स्कीम, 1972 में, पैरा 1 के उप-पैरा (3) के खण्ड (ख) में, उपखण्ड (LXXI) को उप-खण्ड (LXXII) के रूप में पुनः संख्यांकित किया जाएगा और इस प्रकार पुनः संख्यांकित उपखण्ड (LXXII) के पहले निम्नीलिखित उपखण्ड अन्तःस्थापित किया जाएगा, अर्थात् :—

LXXI भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. सा. का. नि. 299, तारीख 24 मार्च, 1973 के अन्तर्गत आने वाले सैनिक भोजनालयों को छोड़ अन्य भोजनालयों (मेंसों) के बारे में 31 मार्च, 1973 को प्रवृत्त होंगे।

[संख्या 4/11/65-पी.एफ. 2(2)]

S.O. 1219.—In exercise of the powers conferred by section 5 read with sub-section (1) of section 7 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Provident Funds Scheme, 1952 namely:—

1. This Scheme may be called the Employees' Provident Funds (Second Amendment) Scheme, 1973.
2. In the Employees' Provident Funds Scheme, 1952 in clause (b) of sub-paragraph (3) of Paragraph 1, sub-clause (LXXI) shall be renumbered as a sub-clause (LXXII) and before sub-clause (LXXII) as so renumbered, the following sub-clause shall be inserted, namely:—

"(LXXI) as respects messes other than military messes covered by the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. G.S.R. 299 dated the 24th March, 1973 come into force on 31st March, 1973".

[No. 4/11/65-PF-II(ii)]

नई दिल्ली, 18 अप्रैल, 1973

का० प्रा० 1220—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इससे उपावृद्ध अनुसूची के स्तम्भ (4) में विनिर्दिष्ट कारखानों का उक्त अनुसूची के स्तम्भ (3) में विनिर्दिष्ट पश्चिमी बंगाल राज्य के ऐसे क्षेत्रों में, जिनमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त नहीं हैं, अवस्थिति का ध्यान में रखते हुए उक्त कारखानों को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिधाय के संदाय से, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए या तब तक के लिए जब तक कि उक्त अधिनियम के अध्याय 5 के उपबन्ध उन क्षेत्रों में प्रवृत्त नहीं हो जाते, जो भी पहले हों, एतद्द्वारा छूट देने है।

## अनुसूची

क्रम सं०	जिले का नाम	क्षेत्र का नाम	कारखाने का नाम
1.	बीरभूम	राजग्राम	मैसर्स राजग्राम मारनिंग कार्पोरेशन, राजग्राम डाकघर राजग्राम।

[स. एम-38014 (15)/73-एचआई]

New Delhi, 18th April, 1973

S. O. 1220—In exercise of the powers conferred by section 73F of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory specified in column (4) of the Schedule hereto annexed in areas specified in column (3) of the said Schedule in the State of West Bengal in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factories from the payment of employers special contribution leviable under Chapter VA of the said Act for a period of one year from the date of publication of this notification in the Official Gazette or until the enforcement of provisions of Chapter V of the said Act in these areas, whichever is earlier.

## SCHEDULE

Sl. No.	Name of District	Name of Area	Name of the factory
1.	Birbhum	Rajgram	Messrs Rajgram Mining Corporation, Rajgram, Post Rajgram.

[No. S. 38014/15/73-HI]

का० प्रा० 1221—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इससे उपावृद्ध अनुसूची के स्तम्भ (4) में विनिर्दिष्ट कारखानों की उक्त अनुसूची के स्तम्भ (3) में विनिर्दिष्ट बिहार राज्य के ऐसे क्षेत्रों में, जिनमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त नहीं हैं, अवस्थिति का ध्यान में रखते हुए उक्त कारखानों को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिधाय के संदाय से, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए या तब तक के लिए जब तक कि उक्त अधिनियम के अध्याय 5 के उपबन्ध क्षेत्रों में प्रवृत्त नहीं हो जाते, जो भी पहले हों, एतद्द्वारा छूट देती है।

## अनुसूची

क्रम सं०	जिले का नाम	क्षेत्र का नाम	कारखाने का नाम
1.	भागलपुर	कोलगज	मैसर्स खेमके ब्रदर्स
2.	चम्पारण	मोतीहारी	मैसर्स राम सा मिल्स बलन्ताज
3.	हजारीबाग	पेतरबार	मैसर्स भगत कन्स्ट्रक्शन कम्पनी (प्राइवेट) लिमिटेड स्टोन क्रशर गांव उस्तामर ।
		गिडी	मैसर्स गिडी कोल प्रिपेरेशन प्लान्ट, डाकघर गिडी ।
4.	मुजफ्फरपुर आर० के० आश्रम		मैसर्स रवि इण्डस्ट्रियल कार्पोरेशन लार्ज इण्डस्ट्रियल एस्टेट ।
5.	पलामू	डाल्टेनगंज	मैसर्स अच्युराम कल सोफ एण्ड कम्पनी, बड़ादोला ।
6.	रांची	मन्दार	मैसर्स रविन्द्र नाथ इंजीनियरिंग कम्पनी, लोहारदगा रोड, माल्तीग्रान्स ।

[सं० एस० 38014(4)/73-एच० आई०]

**S.O.1221.**—In exercise of the powers conferred by section 73F of the Employees State Insurance Act, 1948(34 of 1948), the Central Government, having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas specified in column (3) of the said Schedule in the State of Bihar in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factories from the payment of employers special contribution leviable under Chapter VA of the said Act for a period of one year from the date of publication of this notification in the Official Gazette or until the enforcement of provisions of Chapter V of the said Act in these areas, whichever is earlier.

## SCHEDULE

Sl. No.	Name of District	Name of area	Name of the factory
1.	Bhagalpur	Colganj	Messrs Khemke Brothers.
2.	Champanan	Motihari	Messrs. Rama Saw Mills Balanataj.
3.	Hazaribagh	Petarbar	Messrs Bhagat Construction Company (Private) Limited Stone Crusher Village Ultasar.
		Gidi	Messrs Gidi Coal Preparation Plant, Post Gidi.
4.	Mazaffarpur	R. K. Ashram	Messrs Ravi Industrial Corporation Large Industrial Estate.
5.	Palamau	Daltenganj	Messrs Achuram Kal Kha of and Company Baratola. 2. Messrs. The National Marble Company Redma.
6.	Ranchi	Mandar	Messrs. Rabindra Nath Engineering Company, Lohardaga Road, Maltigranas.

[No. S. 38014(4)/73-HI]

क्र० आ० 1222.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 ब द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, इससे उपाबद्ध अनुसूची के स्तंभ (4) में विनिर्दिष्ट कारखानों की उक्त अनुसूची के स्तंभ (3) में विनिर्दिष्ट राजस्थान राज्य के ऐसे क्षेत्रों में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त नहीं हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखानों को उक्त अधिनियम के अध्याय 5 के अधीन उद्यमणीय नियोजक के विशेष अभिदाय के सदाय से, उस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए या तब तक के लिए जब तक कि उक्त अधिनियम के अध्याय 5 के उपबन्ध उन क्षेत्रों में प्रवृत्त नहीं हो जाते, जो भी पहले हो, एतद्वारा छूट देती है।

## अनुसूची

क्रम सं०	जिले का नाम	क्षेत्र का नाम	कारखाने का नाम
1.	भीलवाड़ा	बिगोड	मैसर्स वारिहटी बहुधंधी सह-कारी समिति लिमिटेड, 15/4783/06
2.	नागौर	लडनून	मैसर्स बि राजस्थान वर्स्टेड, स्पिनिंग मिल्स 15/4785/11
3.	पाली	सजत रोड	मैसर्स एस्बेस्टास सीमेंट प्राइवेट 15/4798/46।
4.	श्रीगंगानगर	सूरतगढ़ जंक्शन	दि सेंट्रल वर्कशॉप राजस्थान केनाल प्रोजेक्ट 15/4776।
5.	उदयपुर	फतेहनगर	मैसर्स श्री गोपाल इंडस्ट्रीज, 15/4784/06।

[सं० एस० 38014(12)/73-एच० आई०]

**S.O.1222.**—In exercise of the powers conferred by section 73F of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas specified in column (3) of the said Schedule in the State of Rajasthan in which the provisions of Chapters IV and V of the said Act are not in force hereby exempts the said factories from the payment of employers special contribution leviable under Chapter VA of the said Act for a period of one year from the date of publication of this notification in the Official Gazette or until the enforcement of provisions of Chapter V of the said Act in these areas, whichever is earlier.

## SCHEDULE

S. No.	Name of District	Name of Area	Name and Code No. of factory
1.	Bhilwara	Bigod	Messrs Kishan Varihat Bhandhandhi Sahakari Samiti Limited 15/4783/06.
2.	Nagour	Ladnun	Messrs The Rajasthan Worsted Spinning Mills 15/4785/11.
3.	Pali	Sajat Road	Messrs Asbestos Cement Products 15/4798/46.
4.	Sriganganagar	Suratgarh Junction.	The Central Workshop Rajasthan Canal Project 15/4776.
5.	Udaipur	Fateh Nagar	Messrs Shree Gopal Industries 15/4784/06.

[No. S. 38014(12)/73-HI]

का. आ. 1223.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, सरकारी शाखा मद्रासालय, गुलबर्गा को ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त मद्रासालय को उक्त अधिनियम के अध्याय 5क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए एतद्द्वारा छूट देती है।

[फा. सं. 601(72)/70-एच. आई.]

S.O. 1223.—In exercise of the powers conferred by section 73 F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the Government Branch Press, Gulbarga in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said Press from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a period of one year with effect from the date of publication of this notification in the Official Gazette.

[File No. 601(72)/70-HI]

का० आ० 1224.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इससे उपाबद्ध अनुसूची के स्तम्भ (4) में विनिर्दिष्ट कारखानों की उक्त अनुसूची के स्तम्भ (3) में विनिर्दिष्ट आन्ध्र प्रदेश राज्य के ऐसे क्षेत्रों में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त नहीं हैं, अब स्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए या तब तक के लिए जब तक कि उक्त अधिनियम के अध्याय 5 के उपबन्ध उस क्षेत्र में प्रवृत्त नहीं हो जाते, जो भी पहले हो, एतद्द्वारा छूट देती है।

#### अनुसूची

क्रम सं०	जिले का नाम	क्षेत्र का नाम	कारखाने का नाम
1	करनूल	श्री गौतम ईम ईस्ट सब-डिविजन सं० 4, डैम डिविजन सं० III का याई, श्री शेलम, प्रोजेक्ट कालोनी।	

[सं० 38014(9)/72-एच.आई.]

S.O. 1224.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factory specified in column (3) of the said Schedule in the State of Andhra Pradesh in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factory from the payment of employer's special contribution leviable under Chapter VA of the said Act for a period of one year from the date of publication of this notification in the Official Gazette or until the enforcement of provisions of Chapter V of the said Act in that area, whichever is earlier.

#### SCHEDULE

S. No.	Name of District	Name of Area	Name of the factory
1.	Kurnool	Srisaillam Dam East	Sub-Division No. 4 Yard of Dam Division No. III Srisaillam Project Colony.

[No. 38014(9)/72-HI]

का० आ० 1225.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इससे उपाबद्ध अनुसूची के स्तम्भ (4) में विनिर्दिष्ट कारखानों की उक्त अनुसूची के स्तम्भ (3) में विनिर्दिष्ट हरियाणा राज्य के ऐसे क्षेत्रों में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त नहीं हैं, जिसमें उक्त अधिनियम के अध्याय 5क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए या तब तक के लिए जब तक कि उक्त अधिनियम के अध्याय 5 के उपबन्ध उन क्षेत्रों में प्रवृत्त नहीं हो जाते, जो भी पहले हो, एतद्द्वारा छूट देती है।

#### अनुसूची

क्रम सं०	जिले का नाम	क्षेत्र का नाम	कारखाने का नाम
1	करनाल	कुरुक्षेत्र	मैसर्स राजश्री कौमिकल इण्डस्ट्रीज, पिपली रोड।
		स्मालखा	मैसर्स बंसल आयरन फाउन्ड्री एंड इंजीनियरिंग वर्क्स मैसर्स सुखान् स्टील री-रोलिंग मिल्स। मैसर्स बत्तरसेन फाउन्ड्री एंड री-रोलिंग मिल्स। मैसर्स गुप्ता फाउन्ड्री एंड इंजीनियरिंग कंपनी। मैसर्स नवीन आयरन फाउन्ड्री जी० टी० रोड। मैसर्स युनाइटेड टायर एंड रबर इण्डस्ट्रीज। मैसर्स रोहतास आयरन फाउन्ड्री जी० टी० रोड। मैसर्स मर्कण्डा बनस्पति मिल्स जी० टी० रोड।

[सं० एस० 38014 (11)/73-एच.आई.]

S.O. 1225.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas specified in column (3) of the said Schedule in the State of Haryana in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a period of one year from the date of publication of this notification in the official Gazette or until the enforcement of provisions of Chapter V of the said Act in those areas, which ever is earlier.

#### SCHEDULE

Sl. No.	Name of District	Name of Area	Name of the factory
1.	Karnal	Kurukshetra	Messrs Rajrishi Chemical Industries, Pipli Road.
		Smalkha	Messrs Bansal Iron Foundry and Engineering Works. Messrs Sukhan Steel Re-Rolling Mills. Messrs Chatter Sain Foundry and Re-Rolling Mills. Messrs Gupta Foundry and Engineering Company. Messrs Navin Iron Foundry, G.T. Road. Messrs United Tyre and Rubber Industries. Messrs Rohas Iron Foundry G.T. Road. Messrs Markanda Vanaspati Mills, G.T. Road.

[No. S. -38014(11)/73-HI]

क. आ. 1226—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 के द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इससे उपाबद्ध अनुसूची के स्तम्भ (4) में विनिर्दिष्ट कारखानों की उक्त अनुसूची के स्तम्भ (3) में विनिर्दिष्ट पञ्जाब राज्य के ऐसे क्षेत्रों में, जिनमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त नहीं हैं, धन स्थिति को ध्यान में रखते हुए उक्त कारखानों को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अधिवाय के सहाय से, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए या तब तक के लिए जब तक कि उक्त अधिनियम के अध्याय 5 के उपबन्ध उन क्षेत्रों में प्रवृत्त नहीं हो जाते, जो भी पहले हो, एतद्वारा छूट देती है।

#### अनुसूची

क्रम सं०	जिले का नाम	क्षेत्र का नाम	कारखाने का नाम
1	अमृतसर	सुल्तानविन्द नगर	मैसर्स प्रेक्टा एस्बेस्टस एण्ड स्पन पाइप कम्पनी, जी० टी० रोड।
2	पटियाला	मुगलमाजरा ग्राम	मैसर्स आर० के० प्लेट एण्ड री-रोलिंग मिल्स।
3	पटियाला	हरबंसपुरा	मैसर्स हरबंसपुरा आयरन एण्ड स्टील इण्डस्ट्रीज़

[स एम-38014 (11)/73-गज्य आई]

दलजीत सिंह, अवर सचिव.

S.O. 1226.—In exercise of the powers conferred by section 73F of the Employees, State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas specified in column (3) of the said Schedule in the State of Punjab in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a period of one year from the date of publication of this notification in the Official Gazette or until the enforcement of provisions of Chapter V of the said Act in these areas, whichever is earlier.

#### SCHEDULE

S. No.	Name of the District	Name of Area	Name of the factory
1.	Amritsar	Sultanwind Town	Messrs. Precto Asbestos and Spun Pipe Company, G.T. Road.
2.	Patiala	Village Mugal Majra.	Messrs. R.K. Plate and Re-Rolling Mills.
3	Patiala	Harbans Pura	Messrs. Harbans Pura Iron and Steel Industries.

[No. S. 38014(11)/73-HI]

DALJIT SINGH, Under Secy.

#### (पुनर्वास विभाग)

नई दिल्ली, 18 अप्रैल, 1973

क. आ. 1227.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम 1954 (1954 का 44) की धारा 34 की उपधारा (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए मुख्य बन्दोबस्त आयुक्त

इसके द्वारा बन्दोबस्त आयुक्त की शक्तियों का प्रयोग करने वाले राजस्थान राज्य के पुनर्वास विभाग में आयुक्त-व-सचिव को उपर्युक्त अधिनियम की धारा 23, 24 एवं 28 के अन्तर्गत प्राप्त अपनी शक्तियाँ सौंपते हैं ताकि वे अर्जित निष्क्रान्त सम्पत्तियाँ, कृषि योग्य भूमियाँ, दुकानों तथा रिक्त स्थानों के बारे में जो कि राजस्थान राज्य में 'मुआवजा भंडार' का भाग हैं उपर्युक्त धाराओं के अन्तर्गत आवश्यक आदेश जारी कर सकें।

[सं. 1(40)/विशेष सेल/72-एस. एस.-2]

न. व. सुन्दर रामन, मुख्य बन्दोबस्त आयुक्त

#### (Department of Rehabilitation)

New Delhi, the 18th April, 1973

S.O. 1227.—In exercise of the powers conferred on the Chief Settlement Commissioner by sub-section (2) of section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), he hereby delegates to the Commissioner-cum-Secretary in the Rehabilitation Department of the Government of Rajasthan, exercising the powers of Settlement Commissioner, his powers under sections 23, 24 and 28 of the said Act for the purpose of passing necessary orders under these sections in respect of acquired evacuee properties, agricultural lands, shops and vacant sites forming part of 'Compensation Pool' in the State of Rajasthan.

[No. 1(40)/Spl. Cell/72-SS. II]

N. V. SUNDARA RAMAN,  
Chief Settlement Commissioner

नई दिल्ली, 18 अप्रैल, 1973

क. आ. 1228.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उप धारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा राजस्थान सरकार के आयुक्त-व-सचिव, पुनर्वास विभाग को पुनर्वास आयुक्त को सौंपे गए कार्यों के अतिरिक्त उपर्युक्त अधिनियम द्वारा या उसके अन्तर्गत बन्दोबस्त आयुक्त को सौंपे गए मुआवजा पूल के अंग के रूप में अर्जित निष्क्रान्त सम्पत्तियाँ, कृषि भूमि, दुकानों तथा खाली स्थानों की अभिरक्षा, प्रबन्ध तथा निपटान संबंधी कार्यों को देखने के लिए राजस्थान राज्य में बन्दोबस्त आयुक्त के रूप में नियुक्त करती हैं।

[सं. 1(40)/विशेष सेल/72-एस. एस.-2]

डी. एन. असीजा, अवर सचिव

New Delhi, the 18th April, 1973

S.O. 1228.—In exercise of the powers conferred by sub-section (1) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints, the Commissioner-cum-Secretary Rehabilitation Department in the Government of Rajasthan as Settlement Commissioner in the State of Rajasthan, for the purpose of performing, in addition to his own duties as Rehabilitation Commissioner, the functions assigned to a Settlement Commissioner by or under the said Act, in regard to the management, custody and disposal of the acquired evacuee properties, agricultural lands, shops and vacant sites forming part of Compensation Pool.

[No. 1(40)/Spl. Cell/72-SS. II]

D. N. ASIJA, Under Secy.